

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 - - - - -
5 EARLINE SKATES,

6 Plaintiff,

7 -against-

8 INCORPORATED VILLAGE OF FREEPORT,

9 Defendant.

10 - - - - -
11 170 Old Country Road
Mineola, New York

12
January 6, 2017

13 10:07 a.m.
14

15 DEPOSITION of EARLINE SKATES, the
16 Plaintiff in the above-entitled action,
17 held at the above time and place, taken
18 before Genevieve Guilfoyle, a Notary
19 Public of the State of New York, pursuant
20 to the Federal Rules of Civil Procedure,
21 and stipulations between Counsel.
22

23 * * *
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25

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2 APPEARANCES:

3
4 HENRY LAW GROUP, P.C.
Attorney for Plaintiff
825 E. Gate Boulevard, Suite 106
5 Garden City, New York 11530
6 BY: ALIZA KAYANI, ESQ.
7

8 BEE, READY, FISHBEIN, HATTER &
DONOVAN, LLP
Attorneys for Defendant
9 170 Old Country Road
Mineola, New York 11501
10 BY: DEANNA D. PANICO, ESQ.

11 * * *

1
2 STIPULATIONS

3
4 IT IS HEREBY STIPULATED AND
5 AGREED, by and among counsel for the
6 respective parties hereto, that the
7 filing, sealing and certification of the
8 within deposition shall be and the same
9 are hereby waived;

10 IT IS FURTHER STIPULATED AND
11 AGREED that all objections, except as to
12 form of the question, shall be reserved to
13 the time of the trial;

14 IT IS FURTHER STIPULATED AND
15 AGREED that the within deposition may be
16 signed before any Notary Public with the
17 same force and effect as if signed and
18 sworn to before the Court.

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25

1 E. Skates

2 E A R L I N E S K A T E S ,

3 the Plaintiff herein, having first been

4 duly sworn by the Notary Public, was

5 examined and testified as follows:

6 EXAMINATION BY THE COURT REPORTER:

7 THE COURT REPORTER: Please

8 state your name for the record.

9 THE WITNESS: Earline Skates.

10 THE COURT REPORTER: What is

11 your present home address?

12 THE WITNESS: 182 Putnam Avenue,

13 Freeport, New York 11520.

14 EXAMINATION BY

15 MS. PANICO:

16 Q Good morning.

17 A Good morning.

18 Q My name is Deanna Panico and I
19 represent the Village of Freeport in the
20 federal lawsuit that you commenced against
21 the village.

22 Have you ever been deposed
23 before?

24 A Yes.

25 Q Was that the time that we met

1 E. Skates

2 once before or was it another time other
3 than that?

4 A What do you mean when "we met
5 once before"?

6 Q We had done -- I had conducted
7 what is called a 50(h) examination of you
8 pursuant to a Notice of Claim that you
9 served on the village.

10 A Yes.

11 Q That was a few years ago.

12 A Yes.

13 Q Have you been deposed other than
14 that or is that the only time you've ever
15 been deposed?

16 A I was deposed once before you
17 deposed me.

18 Q Okay. Got it. So, then, you
19 should be very familiar then with what is
20 going to happen here today.

21 A Somewhat.

22 Q As you know, there's a
23 stenographer here who is going to be
24 taking down everything that you say
25 through stenographic means. Because of

1 E. Skates

2 that, it's important that when you give
3 your responses, you make sure that they
4 are oral responses rather than nods of the
5 head, gestures, et cetera, which she can't
6 record.

7 Also, it happens all the time
8 and it will happen today, because of the
9 fact that this is being recorded
10 stenographically, it's very important that
11 you wait until I complete my question
12 before you give your response, otherwise
13 the stenographer can't record or take down
14 both of what we are saying at the same
15 time.

16 In addition to that, throughout
17 the course of the deposition I anticipate
18 that your attorney will make objections to
19 some of the questions that I'm asking.
20 Unless you're directed by your attorney
21 not to answer the question, you should
22 still answer the question despite the
23 objection.

24 If at any time during the
25 deposition you would like to take a break,

1 E. Skates

2 I will allow you to do so. The only thing
3 I ask is just, if there's a pending
4 question, that you answer the pending
5 question before you take the break, but
6 otherwise I'll allow you to take a break
7 for whatever reason that you want.

8 If at any time during the
9 deposition you don't understand my
10 question, please just let me know and I
11 will do my best to rephrase it in a way
12 that it's comprehensible. Sometimes I
13 kind of get jumbled up in my own head, so
14 just let me know if you don't understand
15 the question. I don't want you to give an
16 answer to a question that is not what I'm
17 asking. I just want the record to be
18 clear.

19 Are you under the influence of
20 any medication or any drugs today that
21 would affect your ability to understand my
22 questions or to answer them truthfully?

23 A Well, I'm under medication.

24 Q Okay.

25 A I'm a diabetic. Insulin.

1 E. Skates

2 Q Okay. Is insulin the only
3 medication that you're on currently?

4 A At this particular time, yes.

5 Q Would the insulin affect your
6 ability to understand my questions?

7 A I don't think so, but you asked
8 if I was on any medication.

9 Q Would the insulin affect your
10 ability to answer my questions truthfully?

11 A No.

12 Q You had mentioned earlier that
13 aside from the 50(h) hearing that I had
14 conducted, you had been examined in one
15 other instance through a deposition; is
16 that correct, it was one other time
17 before?

18 A Yes.

19 Q What case was that that you were
20 deposed in connection with?

21 A Personal injury.

22 Q And were you a plaintiff in that
23 case, a defendant?

24 A Plaintiff.

25 Q Who did you bring that lawsuit

1 E. Skates

2 against?

3 A New York City.

4 Q What did you bring that lawsuit
5 against New York City for; what was the
6 basis for the lawsuit?

7 A I had broken my foot in a
8 sinkhole on the street.

9 Q When did that happen?

10 A Between '97, I think, and '99.
11 It was in the '90s.

12 Q So it was before you were ever
13 employed by Freeport?

14 A Yes.

15 Q How long were you injured as a
16 result of that broken foot?

17 A Eight months.

18 Q So it was fully healed before
19 you were hired by Freeport?

20 A Yes.

21 Q What relief were you seeking in
22 that lawsuit?

23 A I don't remember.

24 Q Were you seeking damages in that
25 lawsuit for emotional distress?

1 E. Skates

2 A I don't remember.

3 Q Were you seeking financial
4 compensation in that lawsuit?

5 A Yes.

6 Q For what?

7 A I don't remember. We are going
8 back some years.

9 Q What was the outcome of that
10 case?

11 A I didn't win. It's hard to win
12 the city.

13 Q Did you go to trial on that
14 case?

15 A I'm not sure.

16 Q Do you ever recall appearing at
17 a trial or being called as a witness at a
18 trial?

19 A I don't remember.

20 Q Aside from that personal injury
21 suit against the City of New York, did you
22 ever have any other lawsuits that you
23 commenced?

24 A No.

25 Q So it's just against the Village

1 E. Skates

2 of Freeport and the City of New York?

3 A That I can remember at this
4 point in time, yes.

5 Q You never sued anybody else?

6 A I don't remember.

7 Q What about Mark Davella from the
8 Village of Freeport or in connection with
9 the Village of Freeport, did you ever have
10 a lawsuit against or in connection with
11 him?

12 A I didn't have a lawsuit against
13 Mark Davella.

14 Q There was never any litigation
15 in connection with him?

16 A Mark Davella took me to Small
17 Claims Court.

18 Q Okay. So you were a defendant
19 in that case?

20 A Yes.

21 Q What was that case for?

22 A I really don't know. All I
23 know, he was suing me for \$5,000.

24 Q Do you know why?

25 A No.

1 E. Skates

2 Q Did he serve a complaint on you?

3 A He might have.

4 Q Do you have a copy --

5 A No, no. He didn't serve a
6 complaint. I think it was mailed to me
7 from the courts.

8 Q Okay.

9 A Small Claim Courts, I think how
10 it went down.

11 Q Do you have a copy of that
12 complaint?

13 A No, I don't have a copy.

14 Q Do you have any documents in
15 your possession, either here, at home, or
16 anywhere else, related to that suit that
17 Mr. Davella brought against you?

18 A I think Mr. Henry has it.

19 Q Okay.

20 A I think.

21 MS. PANICO: I'm going to call
22 for the production of any documents
23 that exist that Miss Skates possesses
24 or that her counsel possesses
25 regarding the lawsuit brought against

1 E. Skates

2 her by Mr. Davella.

3 A Which he lost.

4 MS. KAYANI: I will take that
5 under advisement.

6 Q The outcome was that he lost?

7 A Yes.

8 Q Was that after a trial?

9 A That was after mediation, and
10 when we couldn't come to a decision in
11 mediation, we went before the judge. The
12 judge asked him questions, the judge asked
13 me questions, and then the judge said his
14 decision would be by mail.

15 Q And then you received a decision
16 in the mail?

17 A Yes.

18 Q And you gave a copy of that
19 decision to Mr. Henry?

20 A I think so.

21 MS. PANICO: Again, we just call
22 for that production as well.

23 Q So I just want to be clear --

24 THE WITNESS: Can I ask you a
25 question?

1 E. Skates

2 MS. KAYANI: I mean, is it
3 pertaining to what we just talked
4 about?

5 Q Well, I'm the one that is asking
6 the questions here. If you want to take a
7 break and ask your attorney a question,
8 I'll allow that.

9 A No, I just wanted to ask you a
10 question.

11 Q Not right now, then.

12 So you received a complaint from
13 Mr. Davella, you attended a mediation with
14 Mr. Davella, and then you also appeared
15 before the judge in connection with this
16 lawsuit by Mr. Davella, but you can't
17 remember why Mr. Davella was suing you?

18 A No, I can't.

19 Q Okay. Have you ever been sued
20 by anybody else other than Mr. Davella?

21 A Not that I can remember. I
22 don't think so.

23 Q Have you ever been a defendant
24 in a foreclosure action?

25 A Yes, I have.

1 E. Skates

2 Q Okay. When was that?

3 A Present.

4 Q When did that start?

5 A When I was fired from the
6 Village of Freeport.

7 Q When was that?

8 A 2013.

9 Q 2013 is when you were fired?

10 A Yeah.

11 Q When was the foreclosure action
12 commenced?

13 A 2013.

14 Q And that was brought against you
15 by the bank?

16 A Yes.

17 Q Is that foreclosure action still
18 pending?

19 A Yes.

20 Q Do you know what the current
21 status of it is?

22 A No, I don't think -- I don't
23 know exactly. I know I received some
24 papers. I received some papers, yeah, the
25 other day that they are going to sell my

1 E. Skates

2 house January 31st on the Supreme Court
3 steps.

4 Q Do you have an attorney
5 representing you in that matter?

6 A No, I don't.

7 Q Did you ever seek legal counsel
8 in connection with that matter?

9 A I'm in the process.

10 Q Who are you seeking legal
11 counsel with?

12 A Nassau Suffolk Law Services.

13 Q Now, this foreclosure action
14 that was commenced in 2013, this was the
15 first time that you had ever been subject
16 to a foreclosure action?

17 A No.

18 Q When was the first time you were
19 ever subject to a foreclosure action?

20 A I don't remember the year.

21 Q Was it before you were
22 terminated by the Village of Freeport?

23 A Yes.

24 Q Do you know if it was more than
25 10 years before you were terminated from

1 E. Skates

2 the Village of Freeport?

3 A No.

4 Q No, it was not, or no, you don't
5 remember? Sorry, I didn't phrase it
6 right.

7 A No, it was not 10 years before.

8 Q Was it while you were employed
9 by the Village of Freeport?

10 A Yes.

11 Q What was the outcome of that
12 proceeding, the foreclosure proceeding
13 that took place while you were employed?

14 A It was dismissed.

15 Q Do you know why it was
16 dismissed?

17 A Because I had a job.

18 Q So did you pay any outstanding
19 obligations, is that why it was dismissed?

20 A No, I didn't pay any outstanding
21 obligations.

22 Q So what do you mean when you say
23 you "had a job"; how did that affect your
24 ability to have the foreclosure action
25 dismissed?

1 E. Skates

2 A Because having a job qualified
3 me for a modification.

4 Q And did you have legal counsel
5 in connection with that foreclosure
6 action?

7 A No.

8 Q Aside from the two foreclosure
9 actions that we have already discussed,
10 has there ever been any other foreclosure
11 action --

12 A No.

13 Q -- foreclosure action brought
14 against you?

15 A No.

16 Q The foreclosure action that
17 occurred while you were employed by the
18 Village of Freeport, did that cause any
19 stress in your life, or anxiety?

20 A No.

21 Q How about the foreclosure action
22 that occurred after you lost your
23 employment with Freeport, did that
24 foreclosure action cause stress or anxiety
25 in your life?

1 E. Skates

2 A Yes.

3 Q I just want to back up a little
4 bit because we got a little ahead of
5 ourselves.

6 The current address that you're
7 living at, Putnam Avenue; is that right?

8 A Yes.

9 Q How long have you lived there?

10 A Since 1996.

11 Q Are you presently living with
12 anybody?

13 A My two dogs.

14 Q Any human beings?

15 A No.

16 Q Are you married?

17 A No.

18 Q Were you ever married?

19 A Yes.

20 Q When was that?

21 A The divorce was in 1975.

22 Q Do you have any children?

23 A No.

24 Q Did you ever have any adopted
25 children?

1 E. Skates

2 A Yes.

3 Q What was the name of your
4 adopted child?

5 A Sharene Newton.

6 Q And is she still your adopted
7 child?

8 A She is 30 years old.

9 Q Did you ever relinquish formal,
10 I guess it wouldn't be called custody, but
11 ever relinquish formal designation as her
12 parent?

13 A I don't understand the question.

14 MS. PANICO: Let me withdraw the
15 question.

16 Q Did you ever formally adopt her?

17 A Yes, I did.

18 Q Is she still your child within
19 that formal adoption, meaning although she
20 may be an adult now, did you ever undo or
21 relinquish her being your child through
22 adoption?

23 A No.

24 Q Sorry, you said she was 30 years
25 old?

1 E. Skates

2 A Yes.

3 Q Was there a period of time where
4 Miss Newton lived with you?

5 A Yes.

6 Q When was that?

7 A From '92 until last year.

8 Q Until 2015?

9 A 2015.

10 Q Is Miss Newton currently
11 employed?

12 A I don't see the relevancy to
13 that question.

14 Q Is she employed by the Village
15 of Freeport?

16 A No.

17 Q Are you refusing to answer the
18 question about whether she is employed?

19 A No, I just don't think that it's
20 relevant to this case.

21 Q So are you going to answer the
22 question?

23 MS. KAYANI: I will object to
24 the line of questioning.

25 You can answer just yes or no if

1 E. Skates

2 she is employed or not.

3 A I did say that she was employed.

4 Did I not say that?

5 Q Do you know where she is
6 employed?

7 A No, I don't.

8 Q I just want to discuss your
9 educational background. Did you graduate
10 from high school?

11 A Yes.

12 Q Did you pursue any education
13 after high school?

14 A I have an associate's degree in
15 paralegal studies. I have a bachelor's
16 degree in paralegal studies.

17 Q The associate's degree in
18 paralegal studies, where did you get that
19 degree from?

20 A Nassau Community College.

21 Q And when did you obtain that
22 degree?

23 A 2005.

24 Q In regards to your bachelor's in
25 paralegal studies?

1 E. Skates

2 A Kaplan University.

3 Q When did you obtain that?

4 A I'm not sure. 209 (sic), 210
5 (sic), somewhere around there.

6 Q Aside from what we already
7 discussed, did you ever have any other
8 education beyond high school? In other
9 words, Kaplan University and Nassau
10 Community College, were those the only two
11 universities that you went to?

12 A Yes.

13 Q Did you ever obtain any other
14 degrees?

15 A I have a certificate for dental
16 assistant.

17 Q When did you obtain that?

18 A '75.

19 Q Anything else?

20 A I think that's it.

21 Q I know at some point you were
22 employed by the Village of Freeport. I
23 don't want to get into that yet. I want
24 to talk about your history before you were
25 -- your work history before you were at

1 E. Skates

2 the Village of Freeport.

3 Immediately before you worked at
4 the Village of Freeport, where did you
5 work?

6 A I wasn't working.

7 Q Did you work anywhere before the
8 Village of Freeport?

9 A The Incorporated Village of
10 Hempstead.

11 Q When did you work there?

12 A From '89 to 2003.

13 Q What was your title there?

14 A Research assistant on housing.

15 Q What were your duties, what did
16 that entail?

17 A I was liaison between the mayor,
18 the board of trustees, and the multiple
19 residents in the Incorporated Village of
20 Freeport -- I'm sorry, Hempstead.

21 Q And why did your employment
22 there end?

23 A The civil service title was
24 disband.

25 Q Did the Village of Hempstead

1 E. Skates

2 offer you a position in any other area of
3 the village?

4 A No. I didn't want anything
5 else. I wanted to go to school.

6 Q Between 2003 when your
7 employment ended with Hempstead and the
8 time that you were employed by the Village
9 of Freeport, did you hold any other
10 employment?

11 A I worked for a law firm, I can't
12 remember the name. I can't remember the
13 name because it was so long ago.

14 Q What was your position with that
15 law firm?

16 A I scheduled -- I did intake. I
17 scheduled IMEs. I prepared the paperwork
18 for cases. Whatever the three attorneys
19 that I served gave me to do, I would do.

20 Q When were you employed by the
21 law firm?

22 A I don't remember.

23 Q But it was in between your
24 employment with Hempstead and the Village
25 of Freeport?

1 E. Skates

2 A Yes.

3 Q And why did your employment with
4 the law firm end?

5 A My adopted child, at that
6 particular time -- well, not at that
7 particular time. She is sickle cell and
8 she became very ill. I needed to stay
9 home with her.

10 Q Was there any other employment
11 that you held after your graduation from
12 high school?

13 A After my graduation from where?

14 Q High school. I'm trying to find
15 out all of your prior employment before
16 Freeport.

17 A I graduated high school in 1964.

18 Q Okay.

19 A My memory is very good, but it's
20 not that good. Okay? I cannot remember
21 what I did after high school.

22 Q That's okay. If you don't
23 remember, all you have to do is tell me
24 that you don't remember. What I'm
25 interested in is what you can remember.

1 E. Skates

2 So if you can remember any other
3 employment that you held before the
4 Village of Freeport, that's what I'm
5 asking about. Can you recall anything
6 else?

7 A Not at this time.

8 MS. PANICO: I'm going to have
9 marked as Exhibit A what appears to be
10 a resumé from Miss Skates.

11 (Resumé of Miss Skates was
12 hereby marked as Defendant's Exhibit A
13 for identification, as of this date.)

14 Q (Hanging.)

15 A (Perusing.)

16 Q Miss Skates, have you had a
17 chance to review Exhibit A?

18 A Yes.

19 Q Do you recognize this document?

20 A Yes.

21 Q What do you recognize it to be?

22 A My resumé.

23 Q And is this a document that you
24 prepared?

25 A Yes.

1 E. Skates

2 Q Does this help to refresh your
3 recollection as to employment that you
4 held before the Village of Freeport?

5 A Yes.

6 Q The first, under "legal work
7 experience," it says, "Montfort, Healy,
8 McGuire & Salley"; is that the law firm
9 that you were referring to previously?

10 A Yes.

11 Q And underneath that, it says,
12 "United States Second District Court,
13 Suffolk County, District Clerk's office."

14 A Uh-hum.

15 Q Were you ever employed there?

16 A That was not employment.

17 Q It was just an internship?

18 A I think that's what it says;
19 right?

20 (Perusing.)

21 Yes.

22 Q And underneath that, it says,
23 "Incorporated Village of Hempstead."

24 A Uh-hum.

25 Q That's the job that we already

1 E. Skates

2 spoke about?

3 A Yes.

4 Q And beneath that, it says,
5 "Hudson Mortgage Consultants"?

6 A Yes.

7 Q Did you ever hold employment
8 there?

9 A Yes.

10 Q And the dates that are reflected
11 there, 2007 to 2008, is that accurate?

12 A Yes.

13 Q And the duties that are listed
14 there, is that accurate?

15 A (Perusing.)

16 Yes.

17 Q Why did your employment with
18 Hudson Mortgage Consultants end?

19 A They went out of business.
20 That's when the housing crisis hit.

21 Q You can put that aside.

22 Miss Skates, do you belong to
23 any clubs, organizations, associations,
24 anything along those lines?

25 A No.

1 E. Skates

2 Q Any political organizations that
3 you belong to?

4 A No.

5 Q Do you have any hobbies?

6 A Yes.

7 Q What are your hobbies?

8 A Arts and crafts.

9 Q What do you mean in terms of
10 that?

11 A Anything dealing with arts and
12 crafts.

13 Q Do you belong to a group in that
14 regard --

15 A No.

16 Q -- or you just do it privately?

17 A Yes.

18 Q How about gardening, do you
19 engage in gardening at all?

20 A I used to.

21 Q Is that a hobby of yours as
22 well, or was it a hobby of yours?

23 A Yes.

24 Q When did you do that?

25 A What do you mean?

1 E. Skates

2 Q When did you have gardening as a
3 hobby?

4 A All of my life.

5 Q And in terms of gardening, are
6 we talking about vegetable gardens or
7 gardening in terms of yard care?

8 MS. KAYANI: I'm going to object
9 to the line of questioning. It's
10 irrelevant, but you may answer.

11 A Repeat that.

12 Q I'll have the court reporter
13 read it back.

14 (The requested portion of the
15 record was read.)

16 A Well, yard care is not
17 gardening.

18 Q So what do you mean in terms of
19 gardening? I'm not well versed in that
20 area, so what do you mean when you say
21 "gardening"?

22 A Flowers and vegetables.

23 Q And you did that your whole
24 life?

25 A My whole life since I was

1 E. Skates

2 7 years old.

3 Q I know it's cold out now, but do
4 you still do it to date?

5 A I haven't been able to do it
6 since I got injured on the job.

7 Q When was that?

8 A October 21, I do believe, 2013.
9 I do believe it's the 21st.

10 Q So you haven't done any
11 gardening since 2013?

12 A No.

13 Q Before 2013, what did your
14 gardening consist of?

15 A Flowers and vegetables.

16 Q Did you do any yard maintenance
17 as well?

18 A Flowers and vegetables.

19 Q How about knitting, is that a
20 hobby of yours as well?

21 A I don't knit.

22 Q Did you ever knit?

23 A Never knitted.

24 Q You never knitted any scarves,
25 hats?

1 E. Skates

2 A I have never knitted in my life.

3 Q Do you have any sort of criminal
4 record?

5 A I don't think so.

6 Q Have you ever been arrested
7 before?

8 A I've never been arrested.

9 Q At some point in time did you
10 apply to work with the Village of
11 Freeport?

12 A Yes, I did.

13 Q When was that?

14 A I think it was either 2008,
15 2009. I'm not sure as to the exact year.

16 Q Were you ever interviewed by
17 anybody when you initially applied to the
18 village?

19 A I don't remember. I know I
20 filled out an application for a job, but I
21 don't...

22 Q What position did you apply for
23 in 2008 or 2009?

24 A Seasonal.

25 Q Was it seasonal laborer?

1 E. Skates

2 A No. It was seasonal
3 administrator assistant.

4 Q And what was the starting salary
5 for that position?

6 A There was no starting salary.
7 It was -- it was -- the job was funded by
8 the state and the federal government. I
9 don't know exactly what -- I don't
10 remember what the hourly wage was or what
11 the biweekly wage was.

12 MS. PANICO: I'll have marked
13 as Exhibit B what appears to be an
14 application for employment.

15 (Application for employment was
16 hereby marked as Defendant's Exhibit B
17 for identification, as of this date.)

18 MS. KAYANI: I would just like
19 to note that my client is having
20 difficulty reading page 2 because I
21 believe the font size is too small for
22 her.

23 MS. PANICO: Let's see if that's
24 an issue or not.

25 Q Miss Skates, do you recognize

1 E. Skates

2 what has been marked as Defendant's
3 Exhibit B?

4 (Hanging.)

5 A (Perusing.)

6 No, I don't.

7 Q The second half of that page
8 where it says, "Last name: Skates; First
9 name: Earline," do you know whose
10 handwriting that is?

11 A To me it doesn't appear to be my
12 handwriting because -- are these two
13 separate documents on this page?

14 Q It looks like the top half may
15 be -- I don't know exactly, but I do agree
16 it does look like the first half of the
17 page is sort of connected maybe from a
18 different document because it says number
19 20 at the top.

20 But what I'm asking specifically
21 is whether or not you recognize the
22 handwriting on the second half of that
23 page where it asks for your personal
24 information.

25 A No, I don't because this says

1 E. Skates

2 from Nassau County Civil Service
3 Commission. Okay. And I don't remember
4 ever writing anything in for the Nassau
5 County Civil Service Commission.

6 Q The position that you applied
7 for in 2008 or 2009, do you know if that
8 was a civil service position?

9 A The seasonal?

10 Q Yes.

11 A No, it wasn't. See, that's why
12 I said there "labor seasonal" up here
13 (indicating) and that's not -- no. I'm
14 sorry. I'm having ill feelings about this
15 document that you have here. I think that
16 it looks like it was pieced together. And
17 I don't even know what this is up in here
18 because I can't read it (indicating).

19 Q My question was whether or not
20 that was your handwriting on the second
21 half of the first page --

22 A I don't think so.

23 Q Okay.

24 A I don't think so. I don't think
25 so. I mean, because I don't remember

1 E. Skates

2 doing anything like this.

3 Q Okay.

4 A All right.

5 Q Can you look at the second page
6 of Defendant's Exhibit B? At the bottom
7 of that page there's a signature, do you
8 recognize that signature?

9 A Like I said, yes, I recognize
10 this signature, but like I said, I do
11 believe that these are pieced-together
12 documents that don't -- that are trying to
13 make it coincide with something that
14 doesn't exist and your client wants to
15 make it exist.

16 MS. KAYANI: Can we go off the
17 record for a second?

18 (At this time, a discussion was
19 held off the record.)

20 Q Miss Skates, is that your
21 signature on the second page of
22 Defendant's Exhibit B?

23 A It looks like it. I'm not sure.

24 Do you see this (indicating)?

25 Over here it says, "Application for

1 E. Skates

2 examination for employment." This, here,
3 is when I went to do with the -- Nassau
4 County Civil Service Commission to apply
5 for the test for paralegal. This is what
6 this is right here (indicating).

7 MS. PANICO: I'm going to have
8 marked now as Defendant's Exhibit C a
9 document entitled, "Appointing
10 Authority Application Information."

11 (Appointing Authority
12 Application Information was hereby
13 marked as Defendant's Exhibit C for
14 identification, as of this date.)

15 Q (Hanging.)

16 A (Perusing.)

17 Okay. What do you want?

18 Q Do you recognize this document?

19 A No, I don't.

20 Q You've never seen this document
21 before?

22 A No.

23 Q It says, "Labor, other,
24 seasonal." Does that refresh your
25 recollection as to whether that was the

1 E. Skates

2 position you were initially hired to?

3 A The seasonal, it was not a
4 permanent position. Seasonal only ran
5 from June to September.

6 Q My question, though, was, this
7 document indicates that, "Applicant
8 Earline Skates was hired for the position
9 of laborer, seasonal, on or about July 13,
10 2010."

11 Does this refresh your
12 recollection as to whether or not that was
13 the position you were hired to?

14 A No.

15 Q It also has a suggested start
16 date of July 12, 2010. Is that when, in
17 or about when you started your employment
18 with the Village of Freeport?

19 A I'm not sure.

20 Q It has a starting salary of \$12
21 an hour. Is that the salary that you
22 initially started out with the Village of
23 Freeport?

24 A Okay. That --

25 Q Miss Skates, my question is a

1 E. Skates

2 yes-or-no answer.

3 A Go ahead. Say again, please.

4 Q My question was, the starting
5 salary listed here is \$12 an hour. Is
6 that the initial starting salary that you
7 had?

8 A The seasonal job, that wasn't
9 even temporary, it was only seasonal that
10 every incorporated village does each year.
11 They hire seasonal workers. And it says
12 "laborer" on there, but I was the
13 administrative assistant to the person who
14 was the head of the Department of Public
15 Works. I did no laboring job.

16 Q Okay. It lists here, July --
17 MS. PANICO: Withdrawn.

18 Q It lists here that the mayor at
19 the time was Andrew Hardwick and it says
20 it was authorized by Andrew Hardwick. Is
21 that the mayor whose administration you
22 were hired under?

23 A Yes.

24 MS. PANICO: I would like to
25 have marked as Defendant's Exhibit D a

1 E. Skates

2 Report of Personal Action.

3 (Report of Personal Action was
4 hereby marked as Defendant's Exhibit D
5 for identification, as of this date.)

6 MS. KAYANI: I would just like
7 to note that my client is unable to
8 read the document since she does not
9 have her glasses, or the ones that she
10 has she is unable to see accurately
11 through them. We will try our best to
12 see if she can answer questions that
13 counsel has for her.

14 (At this time, a discussion was
15 held off the record.)

16 (At this time, a recess was
17 taken.)

18 Q Miss Skates, I just want to put
19 on the record as well, we did take a break
20 so that I could attempt to magnify the
21 document through the photocopy machine,
22 but after several attempts by my secretary
23 we were unable to successfully get it to
24 magnify the complete document.

25 MS. PANICO: So we are going to

1 E. Skates

2 proceed with Miss Skates having the
3 document read to her by her attorney
4 if and when the need arises.

5 (A recess was taken from 10:58
6 a.m. until 10:59 a.m.)

7 MS. PANICO: Just for the
8 record, Miss Skates has been provided
9 with a magnifying glass.

10 Q Miss Skates, is the magnifying
11 glass helping you?

12 A Yes.

13 MS. PANICO: So she is now
14 reviewing Defendant's Exhibit D.

15 A (Perusing.)

16 Okay. What is your question?

17 Q Miss Skates, do you recognize
18 Defendant's Exhibit D?

19 A No, I don't recognize it.

20 Q At the top, it says, "Report of
21 Personnel Action." Are you familiar with
22 what a Report of Personnel Action is?

23 A No, I'm not.

24 Q In the middle section of this
25 document --

1 E. Skates

2 MS. PANICO: Withdrawn.

3 Q At the top of this document it
4 lists applicant name, it says, "Earline
5 Skates"; is that correct?

6 A Uh-hum.

7 Q And in the middle of the page it
8 says "Action code" and it says,
9 "SEAS-seasonal appointment"; is that
10 correct?

11 A Uh-hum.

12 Q It lists the effective date as
13 July 20, 2010; is that correct?

14 A I guess so.

15 Q Is that on or about the date
16 that you commenced employment with
17 Freeport?

18 A In the seasonal, yes.

19 Q Underneath that, it says, "Class
20 Code and Title" and it says, "4 KD-laborer
21 seasonal"; is that correct?

22 A I don't know if that's correct,
23 but that's what it says.

24 Q Okay.

25 A But I was never a laborer, but I

1 E. Skates

2 was seasonal.

3 Q At the bottom of that same
4 section the bottom right says, "Payroll
5 salary, \$12." Is that what your hourly
6 rate was when you were hired; correct?

7 A That's not correct.

8 Q What was your hourly rate when
9 you were first hired?

10 A When I was seasonal, my hourly
11 rate was \$15 an hour. When I became part
12 time, it was \$12 an hour. So this doesn't
13 coincide with what -- these things don't
14 match up.

15 MS. PANICO: I'm going to have
16 marked as Exhibit E a document
17 entitled, "Request for Classification
18 of Position."

19 (Request for Classification
20 of Position was hereby marked as
21 Defendant's Exhibit E for
22 identification, as of this date.)

23 THE WITNESS: This is making me
24 seasick (indicating). It's affecting
25 my stomach. I can't do that.

1 E. Skates

2 MS. KAYANI: Are you okay?

3 THE WITNESS: I can't do that.
4 It's like riding in a car and reading
5 a book. I'm getting carsick.

6 MS. PANICO: Just for the
7 record, Miss Skates is referring to
8 the magnifying glass that is making
9 her sick.

10 THE WITNESS: I don't know any
11 of this paperwork because I was not
12 privy to any paperwork.

13 MS. KAYANI: She will ask you
14 questions and you can let her know.

15 Q Miss Skates, have you had a
16 chance to review Defendant's Exhibit E?

17 A No.

18 Q Would you like another minute to
19 look at it?

20 A I can't see it.

21 Q I'm going to represent to you,
22 with the consent of your attorney, that
23 the document at the top says, "Request For
24 Classification of Position." Have you
25 ever seen a Request for Classification

1 E. Skates

2 before?

3 A No.

4 Q Did you ever see your request
5 for classification for the seasonal
6 position that you were initially hired
7 for?

8 A No.

9 Q You never saw a job description
10 for that position?

11 A Not that I remember.

12 Q Have you ever seen Defendant's
13 Exhibit E before?

14 A I don't think so. I don't
15 remember this. Most of the paperwork was
16 done by H.R., so you didn't get to see
17 anything.

18 Q My question is just whether or
19 not you've ever seen it before.

20 A I don't remember seeing anything
21 like this before, no.

22 Q You never asked to see a job
23 description when you were initially hired
24 as a seasonal employee?

25 A No.

1 E. Skates

2 MS. PANICO: I'm going to have
3 marked now as Defendant's Exhibit F a
4 document regarding Code of Ethics.

5 (Code of Ethics document was
6 hereby marked as Defendant's Exhibit F
7 for identification, as of this date.)

8 Q Miss Skates, have you had a
9 chance to review Defendant's Exhibit F?

10 (Hanging.)

11 A (Perusing.)

12 Yes.

13 Q And your attorney read to you
14 the contents of Defendant's Exhibit F?

15 A Yes.

16 Q Do you recognize this document?

17 A Somewhat.

18 Q This document has a signature on
19 it that says "Earline Skates" on it; is
20 that your signature?

21 A It appears to be.

22 Q And above that it says,
23 "Received by Earline Skates, dated July 7,
24 2010." Do you recall receiving this
25 document and signing it?

1 E. Skates

2 A I think so. Yeah, I think I
3 remember receiving this because everybody
4 has to sign one before they became
5 employed. But, this, when I signed this,
6 this labor or seasonal was not there
7 (indicating).

8 Q You're referring to where it
9 says "Title, laborer seasonal" next to it?

10 A Uh-hum.

11 Q That's not your handwriting
12 there?

13 A "Labor seasonal," no.

14 Q At some point in time after you
15 were hired as a seasonal employee with the
16 Village of Freeport, did you apply for a
17 new or a different position with the
18 Village of Freeport?

19 A I was asked.

20 Q Who were you asked by?

21 A I was asked by Scott, Scott
22 Richardson, who was the administrative
23 assistant in DPW to help out in the
24 Assessor's Department because they were
25 short-handed and would I mind doing that.

1 E. Skates

2 Q Did you ever apply for that
3 position?

4 A I guess when I said yes, I would
5 go, I would apply for it.

6 Q Okay.

7 A I don't know. Maybe I did,
8 maybe I didn't. I'm not sure, but I know
9 I just went on.

10 Q Did you apply for a position,
11 part-time laborer?

12 A No.

13 Q After Mr. Richardson asked you
14 to apply for this position that you
15 referred to earlier --

16 A Excuse me. He asked me. He
17 didn't ask me to apply.

18 Q Okay.

19 A He asked me if I would.

20 Q He offered you the position?

21 A Yes.

22 Q Did you have to submit an
23 application after that?

24 A I don't remember.

25 Q Did you automatically go into

1 E. Skates

2 that position or did you have to fill out
3 any paperwork?

4 A I don't remember. I know I went
5 in and I just started helping out because
6 the assessor's department was swarmed.

7 Q Do you know what your title was
8 at that point?

9 A No.

10 Q Do you know when this happened,
11 the approximate year?

12 A I'm not sure if it was '09 or
13 '10.

14 Q But it was one or the other?

15 A It was somewhere around in
16 there. I don't know exact dates on that.

17 Q Were you ever interviewed in
18 connection with that position?

19 A No.

20 Q Was there a salary change in
21 connection with that transition from the
22 seasonal employee to -- sorry, what
23 position did you call it? Once you were
24 transferred from the seasonal employee,
25 what was your new title after that?

1 E. Skates

2 A I don't understand what you're
3 saying.

4 Q You were initially hired to the
5 Village of Freeport as a seasonal
6 employee; correct?

7 A Yes.

8 Q You said at some point
9 Mr. Richardson offered you a new position;
10 correct?

11 A It wasn't exactly a new
12 position, because I would be doing the
13 same, almost the same type of work, so it
14 wasn't a new position. It was taking
15 someone from one department in the village
16 to help another department in the village
17 that was swarmed with work.

18 Q Okay. So your title didn't
19 change?

20 A I don't know.

21 Q Did your salary change?

22 A At some point it did.

23 Q Did it change in connection with
24 the change of position?

25 A It changed in connection with

1 E. Skates

2 the ending of seasonal work.

3 Q Okay. That's what I wanted to
4 know.

5 And what did the salary change
6 to?

7 A \$12 an hour.

8 Q And that was from \$15 an hour?

9 A Yes.

10 Q So your salary actually went
11 down?

12 A Yes.

13 MS. PANICO: I'm going to have
14 marked as Defendant's Exhibit F again
15 what appears to be an application for
16 employment.

17 (Application for employment was
18 hereby marked as Defendant's Exhibit G
19 for identification, as of this date.)

20 Q (Hanging.)

21 A (Perusing.)

22 Q Miss Skates, have you had a
23 chance to review Defendant's Exhibit G?

24 A Somewhat.

25 Q Do you need another minute to

1 E. Skates

2 look at it?

3 A No, I'm okay.

4 Q Do you recognize this document?

5 A I don't recognize this
6 (indicating). I don't recognize that
7 (indicating).

8 Q You don't recognize the top half
9 of the first page of Defendant's Exhibit
10 G?

11 A No.
12 I recognize this (indicating).

13 Q Just for the record, you're
14 referring to page 2, that you do recognize
15 page 2?

16 A The bottom part of page 2. This
17 part, yes (indicating).

18 Q And do you recognize page 3?

19 A My name I recognize, and my
20 signature I recognize. Anything else I
21 don't recognize because I never -- I
22 never saw this. Where it says
23 "Permanent/part-time laborer, part-time
24 DPW Village of Freeport," that was not
25 there when I signed this (indicating).

1 E. Skates

2 Q Okay. So the page 1 of
3 Defendant's Exhibit G, the second half of
4 that page where it lists your name, your
5 street address, telephone number --

6 A What are you talking, please?

7 Q Let me just start that whole
8 question over again.

9 The first page of Defendant's
10 Exhibit G, the second half of that first
11 page where it lists your name, your
12 address, Social Security number, do you
13 recognize that portion of Defendant's
14 Exhibit G?

15 A No.

16 Q So that handwriting with your
17 name, your telephone number, that's not
18 your handwriting?

19 A That is my handwriting, but this
20 has nothing to do with the job. This was
21 when I went and filed for the paralegal
22 test with civil service.

23 Q When did you apply for a
24 paralegal test with civil service?

25 A I don't know. I don't know, but

1 E. Skates

2 I know I was working with Freeport when I
3 did.

4 Q On the second page there, it may
5 be hard for you to read, but under
6 "Experience," the second one listed under
7 B is for the law firm that we previously
8 spoke about?

9 MS. KAYANI: I'm just reading it
10 to her.

11 Q Is that the law firm that you
12 previously testified about that you worked
13 for?

14 A Yes.

15 Q Now, next to that it says,
16 "Reason for leaving," it says "Downsized."
17 That's inconsistent with the prior
18 explanation you gave me, which was that
19 you left because your daughter was ill.

20 A Yes.

21 Q Does that refresh your
22 recollection?

23 A Well, I put downsize on there
24 because I thought that if I put that I
25 left because my daughter was ill and I had

1 E. Skates

2 to take care of her, that I wouldn't get a
3 job.

4 Q So you made a misrepresentation
5 on the application?

6 A Yeah.

7 MS. KAYANI: I'll object to
8 that.

9 Q I'm sorry?

10 A That's your interpretation.

11 Q So did you make a
12 misrepresentation on the application to
13 obtain the job?

14 MS. KAYANI: Again, objection to
15 that line of questioning, but you may
16 answer.

17 A I don't think so.

18 Q Below that it lists, under C,
19 "Incorporated Village of Hempstead,"
20 that's the position that you previously
21 testified about where you were research
22 assistant; is that correct?

23 A Yes.

24 Q Under that it says "Reason for
25 leaving," it says, "Personal." Again, you

1 E. Skates

2 previously testified that the title was
3 disbanded by the Village of Hempstead,
4 which is, again, inconsistent with what
5 you listed here in your application.

6 A I felt that disband is personal
7 because that was personal against me, so
8 it was personal.

9 Q That's what you were referring
10 to when you said "personal"?

11 A Yes.

12 Q On the third page here of
13 Defendant's Exhibit G, in Section 24, it
14 asks for your race/ethnicity.

15 A Uh-hum.

16 Q In that section, you failed to
17 check off that you were black, even though
18 you've made representations in this
19 lawsuit repeatedly that you're black, and
20 instead, you checked off the box "other."
21 Why did you do that?

22 A Because I'm Italian, I'm native
23 American Indian, and I'm black.

24 Q Okay.

25 A But only people see me as black.

1 E. Skates

2 Q At some point in time, did you
3 apply for another position with the
4 Village of Freeport?

5 A I didn't apply. I was asked to
6 become full time with the assessor's
7 department.

8 Q And who asked you to do that?

9 A Paul Nerrick, James Smith, and
10 Andrew Hardwick.

11 Q So those three individuals that
12 you just listed offered you a full-time
13 position?

14 A Yes.

15 Q When was that?

16 A I don't know the exact date, but
17 I'm sure that the village could give you
18 those dates. But it was the clerk in the
19 assessor's department -- are you
20 interested, or should I not speak? I
21 mean, because you're looking.

22 Q My question was whether or not
23 you knew the date that you were offered
24 that position.

25 A No.

1 E. Skates

2 Q No. Okay.

3 Do you know what title you were
4 being offered?

5 A Clerk, to assist the assessor
6 and the auditor.

7 Q Is that a civil service title?

8 A I don't know.

9 Q Who told you that that was the
10 title?

11 A Paul Nerrick and -- Paul
12 Nerrick.

13 Q Was your salary increased as a
14 result of that change?

15 A Yes.

16 Q What was it changed to?

17 A 35,000 and change a year.

18 Q So you went from an hourly
19 employee to a salaried employee?

20 A Yes.

21 Q Who was your supervisor while
22 you were employed in the assessor's
23 department?

24 A Paul Nerrick and James Smith.

25 Q At any point in time while you

1 E. Skates

2 were employed by the Village of Freeport,
3 did you apply for a position as a
4 recreation attendant?

5 A No.

6 MS. PANICO: I'm going to have
7 marked as Defendant's Exhibit H an
8 Employment Application.

9 (Employment Application was
10 hereby marked as Defendant's Exhibit H
11 for identification, as of this date.)

12 (A recess was taken from 11:23
13 a.m. until 11:25 a.m.)

14 Q (Hanging.)

15 A (Perusing.)

16 Q Miss Skates, have you had a
17 chance to review Defendant's Exhibit H?

18 A Uh-hum.

19 Q Do you recognize this document?

20 A No.

21 Q The handwriting that's on this
22 page, do you recognize it?

23 A Some of it.

24 Q Whose handwriting do you
25 recognize it to be?

1 E. Skates

2 A Mine.

3 Q Which handwriting here is yours?

4 A My name, my address, how long I
5 lived, my phone number, yes, yes, yes, my
6 driver's license.

7 What's not mine is "PT Freeport
8 Rec," that is not mine. "Right away,
9 yes." And if you look on the second page,
10 Mr. Richardson crossed off "time record
11 attendant" and put "laborer part time" at
12 \$12 an hour.

13 This was the seasonal job. The
14 seasonal job was 15. This was when I was
15 working -- this is when I went to the
16 assessor's department, when they sent me
17 to the assessor's department.

18 Q Did you submit this document to
19 anybody?

20 A I don't remember.

21 Q Well, you testified already that
22 this is your handwriting on there; is
23 that?

24 MS. PANICO: Withdrawn.

25 Q You testified that some of the

1 E. Skates

2 handwriting on here is yours; correct?

3 A Yes.

4 Q So after you've completed the
5 portions of this document that you did, in
6 fact, complete, what did you do with the
7 document after, then?

8 A I don't remember.

9 Q Would you have handed in or
10 submitted this document without indicating
11 what position you were applying for?

12 A I might have. I don't remember.

13 Q At the bottom of this first
14 page, it lists your prior record of
15 employment. It states here, "Incorporated
16 Village of Hempstead." That's the prior
17 employment we spoke about twice already
18 where you were a research assistant?

19 A Uh-hum.

20 Q It says, "Reason for leaving,
21 position terminated"; correct?

22 A Uh-hum. Isn't that the same as
23 the civil service title being taken away?

24 Q I'm asking you. These are your
25 words. Is that what you were referring

1 E. Skates

2 to?

3 A Yes.

4 Q So you didn't mean to say that
5 you were terminated from the position?

6 A No. Well, if they took the
7 civil service title away, there is no
8 title for me to work under, I don't have a
9 job. So is that not the same?

10 MS. PANICO: I'd like to have
11 marked as Defendant's Exhibit I
12 another Report of Personnel Action.
13 This one dated October 15, 2010.

14 (Report of Personnel Action was
15 hereby marked as Defendant's Exhibit I
16 for identification, as of this date.)

17 A Can I see the other one that was
18 like this? It seems to be the same thing.
19 It seems to be the same document.

20 Q You want to see Defendant's
21 Exhibit D?

22 MS. KAYANI: There you go.
23 (Handing.)

24 THE WITNESS: (Perusing.)

25 Q Miss Skates, have you had a

1 E. Skates

2 chance to review Defendant's Exhibit I?

3 A Yes.

4 Q Do you recognize this document?

5 A No.

6 Q At the top it lists "Applicant
7 name, Earline Skates"; is that correct?

8 A My name is Earline Skates.

9 Q And that's what the document
10 lists?

11 A Yes.

12 Q And then in the middle of the
13 document it states, "Laborer (part time)"
14 under "Class code and title"; correct?

15 A Yes.

16 Q Does this refresh your
17 recollection as to whether or not you were
18 ever hired as a laborer part time?

19 A No.

20 MS. PANICO: I would like to
21 have marked as Defendant's Exhibit J,
22 Confidential Supplement to Employment
23 Application.

24 (Confidential Supplement to
25 Employment Application was hereby

1 E. Skates

2 marked as Defendant's Exhibit J for
3 identification, as of this date.)

4 A Why is my Social Security not
5 blocked out on this one (indicating)?

6 Q I could block it out for you.
7 Do you want me to go get a marker?

8 A Yes.

9 (A recess was taken from 11:34
10 a.m. to 11:34 a.m.)

11 Q (Hanging.)

12 A (Perusing.)

13 Q Miss Skates, have you had a
14 chance to review Defendant's Exhibit J?

15 A Yes.

16 Q Do you recognize this document?

17 A I think so.

18 Q The handwriting that's on this
19 document, is that your handwriting?

20 A It's my handwriting, but title
21 and position is not.

22 Q Okay.

23 A And title and position was not
24 put on there when I signed it.

25 Q You had left it blank when you

1 E. Skates

2 submitted it?

3 A I didn't leave it blank. You
4 can see that's not my handwriting.

5 Q Okay.

6 A So when they give me something
7 to sign, okay, you got a job, you got to
8 do this, you got to fill this out, that
9 was not put in there (indicating), because
10 -- I'm sorry.

11 Q When you submitted this
12 document, you submitted it with the title
13 of the position, you left it blank?

14 A I didn't put the title in. I
15 was only called to H.R. to sign papers.

16 Q So, then, did it list --

17 A So when I signed this paper,
18 that was not in there (indicating).

19 Q What did it say there at the
20 time that you signed it?

21 A Nothing.

22 Q So you signed this document
23 without knowing what position you were
24 applying for?

25 A I was told that I was going to

1 E. Skates

2 be full time and that I would be working
3 in the assessor's office.

4 Q This document is dated May 18,
5 2012; is that the approximate time when
6 you became a full-time employee at the
7 Village of Freeport?

8 A I do believe so.

9 Q Again, just going down to the
10 bottom of the second page, it, again,
11 lists that law firm as a prior employer
12 that we spoke about earlier.

13 A Uh-hum.

14 Q This time the reason that you
15 listed for leaving that employment was
16 because it was downsized. Again, this is
17 inconsistent with the two prior reasons
18 that you've given for leaving that law
19 firm, so which one is accurate?

20 A The one that is accurate, that
21 my daughter was ill and I needed to be
22 home and take care of her.

23 Q So, again, you made a
24 misrepresentation on this application in
25 order to obtain employment?

1 E. Skates

2 MS. KAYANI: Object to that, but
3 you may answer.

4 A No, I did not.

5 Q Was that an error?

6 A It could have been.

7 MS. PANICO: I'm going to have
8 marked as exhibit K a document
9 entitled, "Noncompetitive Or Waiver
10 Class Appointment."

11 (Noncompetitive Or Waiver Class
12 Appointment was hereby marked as
13 Defendant's Exhibit K for
14 identification, as of this date.)

15 (Report of Employment Action was
16 hereby marked as Defendant's Exhibit L
17 for identification, as of this date.)

18 (Probation Report was hereby
19 marked as Defendant's Exhibit M for
20 identification, as of this date.)

21 Q (Hanging.)

22 A (Perusing.)

23 Q Miss Skates, did you have a
24 chance to review Defendant's Exhibit K?

25 A Yes.

1 E. Skates

2 Q Do you recognize this document?

3 A I think so.

4 Q What do you recognize it to be?

5 A Noncompetitive or Labor Class

6 Appointment.

7 Q Were you ever appointed to the
8 position of recreation attendant?

9 A No.

10 Q This document states here that
11 you were appointed as a recreation
12 attendant on June 8, 2012; is that
13 incorrect?

14 A I don't really know how to
15 answer that. I can't answer yes or no
16 without an explanation.

17 Q Okay. It states here that this
18 appointment as a recreation attendant was
19 authorized by Mayor Andrew Hardwick; is
20 that correct?

21 A That's what the paper says.

22 Q Is that what happened?

23 A I guess so. The paper says
24 that.

25 Q Well, I'm asking you not what

1 E. Skates

2 the paper says, but based on your
3 knowledge, were you appointed to the
4 position of recreation attendant by Mayor
5 Hardwick?

6 A I guess so. I don't know
7 because I never went to the recreation
8 center.

9 Q Did you ever hear or come to
10 learn that you were appointed to be a
11 recreation attendant by Andrew Hardwick?

12 A I don't remember. I might have.

13 Q It says here that there was a
14 maximum probation period of 26 weeks. Do
15 you recall ever having to serve a
16 probationary period for 26 weeks?

17 A I did, in the assessor's
18 department.

19 Q And when was that?

20 A During that time.

21 Q Was there ever time where you
22 passed your probationary period?

23 A Yes.

24 Q And when was that?

25 A Twenty-six weeks later.

1 E. Skates

2 Q I'm going to show you now what
3 has been marked as Defendant's Exhibit L.

4 (Hanging.)

5 A (Perusing.)

6 Q Miss Skates, have you had a
7 chance to review Defendant's Exhibit L?

8 A Yes.

9 Q Do you recognize this document?

10 A No.

11 Q You've never seen this document
12 before?

13 A Not that I remember. I do not
14 think so. This looks like it's all
15 personnel records.

16 Q It lists here "Applicant name,"
17 it says "Earline Skates"; correct?

18 A Yes.

19 Q And under "Class, code and
20 title," it says "OKD-recreation
21 attendant"; is that correct?

22 A I don't know.

23 Q Is that what the document says?

24 A That's what the document says,
25 yes.

1 E. Skates

2 Q Does that refresh your
3 recollection as to whether or not you were
4 appointed as a recreation attendant at
5 that time?

6 A No.

7 Q It doesn't refresh your
8 recollection?

9 A No.

10 Q And it lists here that your
11 payroll salary was \$34,582; that's an
12 annual salary?

13 A Yes.

14 Q That is the annual salary that
15 you received in or about June of 2012?

16 A Yes.

17 Q And earlier, you had stated that
18 when you became a full-time employee, you
19 were paid an annual salary of 35,000 per
20 year, and you said around there.

21 Does this refresh your
22 recollection as to exactly what your
23 salary was when you became a full-time
24 employee?

25 A Say that again?

1 E. Skates

2 Q Earlier, you testified, I
3 believe the exact phrase that you used was
4 that when you became a full-time employee,
5 you received \$35,000 and change as your
6 annual salary.

7 Does this refresh your
8 recollection as to what your annual salary
9 was when you became a full-time employee?

10 A Okay.

11 Q It was around 34,582?

12 A So I was \$1,000 off. Are you
13 going to sue me for that?

14 Q No. I just want to make sure --

15 A I was thinking of my last salary
16 when I left.

17 Q Okay. So \$35,000 and change was
18 your salary when you left, then?

19 A Yes.

20 Q It says here that this was
21 submitted, if you turn to the second page,
22 it says, "Submitted by Carolyn Dean." Do
23 you know who that is?

24 A She works for the Village of
25 Freeport.

1 E. Skates

2 Q In what department, do you know?

3 A H.R.

4 Q I'm going to show you a document
5 that has been marked as Defendant's
6 Exhibit M.

7 (Hanging.)

8 A (Perusing.)

9 Okay.

10 Q Have you had a chance to review
11 Defendant's Exhibit M?

12 A Uh-hum.

13 Q Do you recognize this document?

14 A No.

15 Q You've never seen this document
16 before?

17 A I don't think so. I don't
18 remember seeing anything like this.

19 Q The document is entitled,
20 "Probationary Report." Did you ever see
21 any report indicating whether or not you
22 passed your probationary period when you
23 became a full-time employee?

24 A No, I didn't. I don't remember
25 receiving it. I don't think I did.

1 E. Skates

2 MS. PANICO: Can you mark this
3 as N, please? It's a Class
4 Specification for Recreation
5 Attendant.

6 (Class Specification for
7 Recreation Attendant was hereby marked
8 as Defendant's Exhibit N for
9 identification, as of this date.)

10 Q Okay. I'm going to show you now
11 what has been marked as Defendant's
12 Exhibit N, which is a Class Specification
13 for Recreation Attendant.

14 (Handing.)

15 A (Perusing.)

16 Can I go to the ladies room?

17 MS. PANICO: Absolutely.

18 (A recess was taken from 11:49
19 a.m. until 11:56 a.m.)

20 Q Miss Skates, have you had a
21 chance to review Defendant's Exhibit N?

22 A Yes.

23 Q Have you ever seen this document
24 before?

25 A Yes.

1 E. Skates

2 Q When did you first see it?

3 A I do believe it was maybe the
4 second or third week that I was subjected
5 to the rec center when I asked for what
6 was my duties. Because I wanted to...

7 Q So this was --

8 A Presented to me by Victoria
9 Dinielli three weeks when I was sent to
10 the rec center upon my request.

11 Q Did you ever ask for class
12 specification or job description when you
13 became a full-time employee back in 2012?

14 A No, because I knew what I was
15 supposed to do.

16 Q Are you claiming that you were a
17 clerk in the assessor's department; is
18 that correct?

19 A Yes. I don't claim. That's
20 what I was told.

21 Q Did you ever take a civil
22 service examination for that position?

23 A No, I didn't.

24 Q Do you know whether or not the
25 other clerks in the office took a civil

1 E. Skates

2 service examination?

3 A I'm not sure if the clerk that
4 left the village that I replaced that gave
5 the village a day's notice that she was
6 leaving, I don't know if she took one.
7 But if it was required and I was checking
8 into if it was required, I had planned to
9 take one.

10 Q So do you know whether or not it
11 was required?

12 A I didn't get a chance to.

13 Q When you first applied or were
14 given this position, this full-time
15 position, did you look, at that point, to
16 see whether or not you needed an
17 examination to be a clerk?

18 A No, I did not.

19 Q To date, have you learned
20 whether or not it was necessary to take an
21 examination to be a clerk in the
22 assessor's office?

23 A No, I did not.

24 Q At some point in time, you had a
25 verbal disagreement with Trustee Martinez

1 E. Skates

2 regarding whether it was appropriate for
3 you to collect signatures at a Memorial
4 Day parade; is that correct?

5 A Trustee Martinez had a verbal
6 disagreement with me.

7 Q When was that?

8 A I don't know what year. Maybe
9 it was 212 (sic). Maybe it was 211 (sic).
10 It was the first board meeting after the
11 Memorial Day parade of that year.

12 Q But you don't recall the year?

13 A I don't remember. Maybe it was
14 '10, maybe it was '11, maybe it was '12.
15 It might have been '12.

16 Q But the verbal disagreement that
17 you had with Trustee Martinez, it occurred
18 before you became a full-time employee;
19 correct?

20 A No, I don't think so. And he
21 had the verbal agreement with me, I did
22 not have it with him. He brought the
23 issue to me.

24 Q Okay. So do you recall -- I
25 just want to clarify and make sure I'm

1 E. Skates

2 getting the timeline correct.

3 Do you recall whether or not the
4 verbal disagreement, regardless of who
5 initiated it, do you recall whether or not
6 that verbal disagreement occurred before
7 or after you became a full-time employee?

8 A I think it was after I became a
9 full-time employee. I think that's what
10 it was. I think.

11 Q And this verbal disagreement, it
12 related to you collecting signatures at a
13 Memorial Day parade; is that right?

14 A Well, yes, yes.

15 Q What were you collecting
16 signatures for on that day?

17 A To keep Channel 18 and 44 on the
18 air.

19 Q Is that what was referred to as
20 Resolution 18/44, or 44?

21 A I don't know.

22 Q Did you ever hear of Resolution
23 18/44?

24 A I might have. I don't remember.

25 Q Why were you collecting

1 E. Skates

2 signatures for that reason?

3 A I'm sorry?

4 Q You just thought those channels
5 should remain on TV or was it part of your
6 involvement in some other --

7 A I thought they should stay on
8 TV. I'm a resident, a homeowner, and a
9 taxpayer of the Incorporated Village of
10 Freeport. I have the right to protect my
11 tax dollars. I have the right to ask
12 people if they want to continue to have
13 the board meetings on TV. That was my
14 right and it will still be my right.

15 Q Were you collecting these
16 signatures or appearing at the Memorial
17 Day parade on behalf of any organization?

18 A No.

19 Q So you were just out there
20 collecting signatures by yourself?

21 A No, there were -- there was
22 at least 15 other people collecting
23 signatures as well.

24 Q And how did this group become
25 organized?

1 E. Skates

2 A I don't remember. Oh, we were
3 just concerned homeowners. There was no
4 group. We were no organization. We had
5 no plan except to keep 18 and 44. And we
6 not only did the parade, we went around
7 door to door knocking on doors. Concerned
8 residents.

9 Q Were these 15 residents, were
10 they your neighbors? In other words, how
11 did you guys join together; how did you
12 come to know each other?

13 A Through the board meetings.

14 Q Did you organize this movement?

15 A No, I did not.

16 Q Who did?

17 A I don't know.

18 Q Can you name for me any of the
19 individuals that you collected signatures?

20 A I'm not going to do that.

21 Q Unfortunately for you, you do
22 have to answer the question.

23 A No, I will not do that.

24 Q You have to.

25 MS. KAYANI: I will object.

1 E. Skates

2 A No, I will not do that.

3 MS. KAYANI: I'm unaware of who
4 these people are.

5 Q But I'm telling you that you
6 have to answer it.

7 A I don't know who they are.

8 Q The only grounds that you have
9 for not answering a question --

10 A I don't know who they are and I
11 don't know if they are still living in
12 Freeport.

13 Q You previously told me that you
14 would not provide me with the information;
15 now you're changing it that you don't know
16 who they are?

17 A I don't know who they are.

18 Q Do you know who any of them are?

19 A I don't remember.

20 Q You can't remember one person
21 that you collected signatures with?

22 A I don't remember.

23 Q Then why did you previously
24 indicate that you wouldn't give me the
25 information?

1 E. Skates

2 A Because I don't think that I
3 have the right to give anybody's name
4 concerning my situation.

5 MS. PANICO: The reason I need
6 this information is obvious. She is
7 claiming that her First Amendment
8 rights were violated because she was
9 collecting signatures. She is
10 claiming that was the reason why she
11 was transferred and terminated.

12 THE WITNESS: No, that was the
13 reason I was fired.

14 MS. PANICO: So the reason I
15 need this information is because if
16 any of these individuals were also
17 employees of the village --

18 A No, they were not.

19 MS. PANICO: -- and they also
20 continued to be employed, then
21 obviously that stands in the face of
22 what she is claiming.

23 MS. KAYANI: To the extent she
24 may answer if those individuals were
25 employees of the village, but in terms

1 E. Skates

2 of names, I do not see the relevancy
3 of her disclosing the names of
4 individuals.

5 MS. PANICO: I hate to contact
6 the Court because today is the end of
7 discovery.

8 THE WITNESS: You have to call
9 the courts. Because they did not work
10 for the Village of Freeport. That, I
11 can tell you. So we'll call the
12 courts because I am not disclosing
13 anybody's information without first
14 notifying them. I'm not doing that.

15 MS. KAYANI: Can we go off the
16 record for a minute?

17 MS. PANICO: Sure.

18 (At this time, a discussion was
19 held off the record.)

20 (A lunch recess was taken from
21 12:07 p.m. until 12:58 p.m.)

22 EXAMINATION BY

23 MS. PANICO:

24 Q Miss Skates, when we last left
25 off before the break, I had asked you a

1 E. Skates

2 question about who collected signatures
3 with you, that's in regard to the
4 Resolution 18/44 at the Memorial Day
5 parade, and you had indicated that there
6 were around 15 other individuals who also
7 collected signatures with you. When I
8 asked you to identify those individuals,
9 you refused to do so.

10 During the break, I spoke with
11 your counsel and we have agreed for the
12 present moment we will leave a blank in
13 the transcript, and then toward the
14 conclusion of this deposition, we will
15 contact the court to get a resolution on
16 that issue from the court. But just in
17 the interest of trying to save time, we'll
18 move forward with the deposition right
19 now.

20 A Okay.

21 MS. KAYANI: As counsel said, my
22 client will take it under advisement
23 in terms of providing the names. As
24 of now, we'll leave a blank and we'll
25 come back to towards the end.

1 E. Skates

2 In the event that Miss Skates
3 cannot recall the names, we'll have
4 the transcript with the blank and we
5 will also mark it as a ruling for the
6 court.

7 (Insert) _____
8 _____
9 _____

10 Q Miss Skates, when you were
11 attempting to collect these signatures at
12 the Memorial Day parade, did anybody sign
13 this petition that you were circulating?

14 A Yes.

15 Q Do you know approximately how
16 many people?

17 A Three hundred.

18 Q Are those 300 signatures that
19 you, yourself, collected?

20 A Yes.

21 Q That was all that one day at the
22 Memorial Day parade?

23 A Yes.

24 Q Once you collected those
25 signatures, what did you do with the

1 E. Skates

2 petition that you had circulated; in
3 other words, what did you do with the
4 signatures?

5 A I don't remember.

6 Q What did you do with the
7 signatures --

8 A I don't remember. I know I gave
9 them to somebody, but I don't know who it
10 was that I gave it to.

11 Q Did you give it to one of the
12 individuals that was collecting signatures
13 with you?

14 A I think so. I think so.

15 Q Did you hand it in to anyone at
16 the village?

17 A No.

18 Q Resolution 18/44, was that
19 before the county legislature; was that a
20 New York State resolution?

21 A I don't know.

22 Q Do you know whether or not
23 Resolution 18/44 was ever voted on by the
24 village board?

25 MS. KAYANI: I'm going to object

1 E. Skates

2 to that, but you may answer that.

3 A I'm not sure. I'm not sure
4 about that.

5 Q Do you know whether or not
6 Resolution 18/44 was ever passed or
7 whether it failed? What was the ultimate
8 outcome?

9 A I think it wasn't passed. I'm
10 not sure because it went into litigation.
11 It went into the courts, so at that time I
12 wasn't sure. It might not have passed,
13 but I'm not really sure.

14 Q Do you know --

15 A Because it's still on.

16 Q Okay.

17 A That's why I'm not sure.

18 Q Do you know who voted for the
19 resolution?

20 A What do you mean who voted for
21 it?

22 Q In terms of legislature
23 approval, were there any legislators that
24 voted for it?

25 A When you say legislators,

1 E. Skates

2 legislators where?

3 Q At the village.

4 A The trustees?

5 Q Yes.

6 A Voted for it?

7 Q Yes.

8 A I'm not sure. I don't remember.

9 Q You don't know which trustees
10 voted for it and which ones voted against
11 it?

12 A No.

13 Q Do you know whether or not
14 Trustee Martin voted for it?

15 A I don't know.

16 Q Do you know whether Trustee
17 Pineyro voted for it?

18 A I don't know.

19 Q I believe it was in your
20 complaint. You stated that Scott
21 Richardson was directed by Trustee
22 Martinez to order you to stop collecting
23 signatures at the Memorial Day parade; is
24 that correct?

25 A That's correct.

1 E. Skates

2 Q What happened in connection with
3 Mr. Richardson, did he approach you, did
4 you approach him; what happened?

5 A He approached me and he told me
6 that George Martinez and Carman Pineyro
7 told me to stop taking signatures.

8 Q Did you comply with his
9 directive?

10 A No.

11 Q Did you ever ask Trustee
12 Martinez whether or not he gave that
13 directive?

14 A No.

15 Q Did you ever ask Trustee Pineyro
16 whether or not she gave that directive to
17 Mr. Richardson?

18 A No.

19 Q So the only thing you have is
20 Mr. Richardson's word that he was directed
21 by those two trustees to direct you?

22 A No.

23 Q What else do you have to go by?

24 A I saw them call him to the
25 grandstand and immediately after he spoke

1 E. Skates

2 to them, he came from the grandstand, he
3 came directly to me and said, "They said,"
4 Pineyro and Martinez, "told me to tell you
5 to stop taking signatures."

6 Q Did he specifically say they
7 said to stop collecting signatures or did
8 he specifically identify Trustee Martinez
9 and Trustee Pineyro?

10 A Identified both of them.
11 Because --

12 Q The individuals that were
13 collecting signatures with you, did
14 Mr. Richardson, Miss Pineyro, or
15 Mr. Martinez, did he direct any of the
16 fellow individuals who were collecting
17 signatures to stop collecting them?

18 A No. Can I elaborate?

19 Q There's no question pending.

20 A Okay.

21 Q Aside from this Resolution
22 18/44, was there any other solicitation or
23 campaigning that was taking place at the
24 Memorial Day parade?

25 A There were Hare Krishnas giving

1 E. Skates

2 out their pamphlets. I don't know what
3 the organization was, but they were
4 passing it out and asking for signatures.
5 It had to do with a religious
6 organization. There were people selling
7 favors, flags, poppies, stuff like that.

8 Q Do you know whether or not any
9 of those individuals were employed by
10 Freeport?

11 A Well, if they were, I've never
12 seen them as employees.

13 Q You stated in your complaint
14 that at some point you were actively
15 engaged in or that you actively
16 participated in Freeport politics; is that
17 correct?

18 A Yes.

19 Q Do you still do that?

20 A Yes, I do.

21 Q And when did you start that?

22 A I never stopped.

23 Q When did you start that?

24 A 1975.

25 Q So from 1975 to present?

1 E. Skates

2 A Yes.

3 Q In what way are you actively
4 involved in Freeport politics?

5 A I'm working on Andrew Hardwick's
6 campaign.

7 Q His current campaign?

8 A Yes.

9 Q He is running again?

10 A Yes.

11 I worked on Earline Cooper's
12 campaign. I worked on -- what's her name
13 that used to be the D.A.?

14 Q I know who you're talking about,
15 but I can't think right now.

16 A Rice, Kathleen Rice, I worked on
17 her campaign. I worked on Adam Haber's
18 campaign. I worked on James Gardener's
19 campaign.

20 Q These individuals that you've
21 listed, are they all from the same
22 political party?

23 A No.

24 Q Mayor Hardwick is democrat, or
25 former Mayor Hardwick?

1 E. Skates

2 A I don't know what his party
3 affiliation is.

4 Q How about Earline Cooper, do you
5 know her party affiliation?

6 MS. KAYANI: I'm going to
7 object.

8 You can answer.

9 A I don't know what her party
10 affiliation is.

11 Q Kathleen Rice, do you know what
12 her party affiliation is?

13 MS. KAYANI: Objection.

14 A I don't know what her party
15 affiliation is.

16 Q And Mr. Haber, do you know his
17 party affiliation?

18 A No, I don't know his party
19 affiliation.

20 Q James Gardener, do you know his
21 party affiliation?

22 A No, I don't know his party
23 affiliation.

24 Q So when I asked you whether or
25 not they all had the same party

1 E. Skates

2 affiliation, you told me no, they did not,
3 but how would you know that if you don't
4 know any of their party affiliations?

5 A I just assumed that they were
6 not a part of the same party affiliation.

7 Because I don't look at parties.
8 I look at the people that I think would be
9 best for the jobs, so I don't really deal
10 with their party affiliations.

11 Q You said that you were involved
12 in Andrew Hardwick's campaign; is that his
13 campaign for mayor?

14 A When?

15 Q Were you ever involved in his
16 campaign for mayor?

17 A When?

18 Q Ever.

19 A Yes.

20 Q When was the first time?

21 A In the '90s.

22 Q Was he elected mayor then?

23 A I don't think so.

24 Q Did he ever run for mayor again?

25 A Yes.

1 E. Skates

2 Q When was that?

3 A I guess in the late '90s, early
4 2000s.

5 Q Was he elected mayor then?

6 A Yes.

7 Q How long did he serve as mayor
8 after he was elected in the late '90s?

9 A Four years.

10 Q Did he ever run for mayor again
11 after that?

12 A Yes.

13 Q When was that?

14 A Four years after the last one.

15 Q So sometime in early 2000s?

16 A I think it was 212 (sic), 212
17 (sic).

18 Q How long did he serve as mayor
19 then?

20 A He did not win his re-election.

21 Q You said -- I just want to get
22 the time frame right. You said he was
23 elected in the late '90s for four years.
24 So that would bring us up to, let's say,
25 like 2002, 2003?

1 E. Skates

2 A So I got the timeline -- I don't
3 know. I don't know the timeline. I know
4 that he lost one election, he won one
5 election and he lost a second, the
6 re-election.

7 Q Let me ask it this way: You
8 campaigned or you helped Mr. Hardwick in
9 his campaign; did he become mayor before
10 you were hired for the village?

11 A Yes, but I was working.

12 Q What do you mean but you were
13 working?

14 A But I was working. Because I do
15 believe I was working with Hudson Mortgage
16 then.

17 Q But my point is that you
18 assisted Mr. Hardwick in his campaign to
19 become mayor before you were hired with
20 the village; correct?

21 A Yes.

22 Q And what did you do when you
23 were assisting Mr. Hardwick to become
24 mayor?

25 A I was on the legal committee.

1 E. Skates

2 Q And what did you do on the legal
3 committee?

4 A Research.

5 Q What kind of research?

6 A Credibility research.

7 Q Was this something that
8 Mr. Hardwick had asked you to do?

9 A No.

10 Q You did this on your own?

11 A Yes. Well, by the request of
12 legal counsel, the attorney that was in
13 charge of the legal department.

14 Q Who was that?

15 A Cheryl Clark.

16 Q She asked you to research
17 credibility?

18 A Yes.

19 Q And what do you mean by
20 credibility?

21 A Well, there was discrepancy as
22 to where Bobby was living.

23 Q Who's Bobby?

24 A Bobby Kennedy.

25 Q When you were serving on this

1 E. Skates

2 legal committee, was this when
3 Mr. Hardwick was running for mayor in or
4 about 2012?

5 A Yes.

6 Q Did you ever serve on his legal
7 committee before then?

8 A No.

9 Q So that didn't start until after
10 you were already employed by the village?

11 A Rephrase that, please?

12 Q You did not become part of
13 Mayor -- former Mayor Hardwick's legal
14 committee until after you were employed by
15 the village?

16 A Yes. Because I received my
17 degree then.

18 Q Was there any other way that you
19 assisted in Andrew Hardwick's campaign for
20 mayor in 2012?

21 A Can you be more specific?

22 Q No, I can't because I don't know
23 the answer.

24 Is there any other way that you
25 assisted other than serving on the legal

1 E. Skates

2 committee?

3 A I got petitions signed.

4 Q Okay. How many petitions did
5 you get signed?

6 A I don't remember.

7 Q Was it a substantial number?

8 A I thought it was.

9 Q Anything else that you did to
10 help Mr. Hardwick campaign for mayor?

11 A I made phone calls.

12 Q Anything else?

13 A I think that's about it.

14 Q Now, you said you investigated
15 the credibility of Bobby Kennedy, and
16 you're referring to Trustee Kennedy or the
17 current mayor?

18 A Yes.

19 Q What credibility issues were you
20 investigating?

21 A Where his permanent residence
22 was, is.

23 Q Did Miss Clark ask you to do
24 that?

25 A I'm not sure. She might have or

1 E. Skates

2 I might have taken it upon myself to do
3 it.

4 Q By what means did you
5 investigate Mr. Kennedy's residence?

6 A Public record with the
7 assessor's office here in Mineola.

8 Q So you went to the Nassau County
9 Clerk's office?

10 A Yes.

11 Q And what did you do there?

12 A I looked up his address.

13 Q How did you do that, you pulled
14 his deed?

15 A No. I think I did it by name,
16 and from the name I got the address, and
17 from the address I went and got copies of
18 the record.

19 Q What record were you looking at?

20 A His residency in Lynbrook.

21 Q But was that contained in the
22 form of a deed? Specifically what record
23 were you looking at?

24 A I guess it was a deed.

25 Q Do you know that for sure?

1 E. Skates

2 A I guess it was a deed.

3 Q What were your findings?

4 A I found out that his Lynbrook
5 address was listed as his permanent
6 residence, that he was not living in -- he
7 was not a resident of Freeport. His
8 permanent residency was in Lynbrook
9 because that's where he was getting his
10 STAR Program on his property, that's where
11 he was getting his advanced (sic) Star on
12 his property, and that's where he was
13 getting his veteran's discount on his
14 property.

15 Q Okay. Anything else?

16 A That's it.

17 Q Did you report your findings to
18 anybody?

19 A I think I gave it to Cheryl.

20 Q And what did she say when you
21 gave it to her?

22 A Nothing.

23 Q Did she say thank you?

24 A Nothing.

25 Q Did they do anything with that

1 E. Skates

2 information?

3 A I don't know.

4 Q Was Mr. Kennedy aware of the
5 fact that you were investigating him?

6 A I don't know.

7 Q Was Mr. Hardwick aware of the
8 fact that you were investigating
9 Mr. Kennedy?

10 A I didn't tell him.

11 Q Your complaint also says that
12 you found discrepancies on Mr. Kennedy's
13 property.

14 A I just named them.

15 Q That's what you were referring
16 to?

17 A Yes.

18 Q Did you ever investigate
19 Mr. Kennedy in your capacity as an
20 employee of the Village of Freeport?

21 A No.

22 Q Did you ever look through
23 Freeport records for information about
24 Mr. Kennedy?

25 A No.

1 E. Skates

2 Q Your complaint also states that
3 you reviewed Mr. Kennedy's petitions; is
4 that right?

5 A Yes.

6 Q What petitions were those?

7 A Petitions to get on the ballot.

8 Q And who directed you to do that?

9 A The campaign chairman.

10 Q Who was that?

11 A I don't remember her name. I'm
12 bad on names.

13 Q That's okay. We could leave a
14 blank in the transcript and if you
15 remember it later on, you could fill it
16 in.

17 (Insert) _____

18 Q Did you receive any training on
19 how to review petitions?

20 A Yes.

21 Q What training did you receive?

22 A When I was a republican, we had
23 classes on how to clean petitions.

24 Q How many of those classes did
25 you take?

1 E. Skates

2 A There was only one required
3 class -- well, it was three days, but only
4 one time.

5 Q When did you take that class?

6 A I don't remember.

7 Q Was it more than 10 years ago?

8 A Yes.

9 Q More than 20 years ago?

10 A No.

11 Q More than 15 years ago?

12 A No.

13 Q How long was the class? I'm
14 sorry if I just asked that. How long was
15 the class?

16 A Did you just ask that?

17 Q I don't know.

18 A Can we have a read-back?

19 MS. KAYANI: I believe she asked
20 how many days.

21 Q Yes, maybe that was and you said
22 it was one class. Do you know the length
23 of the class?

24 A I said it was one class and I do
25 believe I said it was three days. I do

1 E. Skates

2 believe I said that.

3 Q One class for three days?

4 A An hour.

5 Q An hour per day?

6 A Yes.

7 Q You said the class was to learn
8 how to clean petitions?

9 A Yes.

10 Q What does that mean?

11 A To check them for discrepancies,
12 to check them against the voter
13 registration book.

14 Q Did Mr. Kennedy know that you
15 were reviewing his petition?

16 A Every candidate that runs for an
17 office knows that their petitions can be
18 scrutinized by the opponents.

19 Q But did Mr. Kennedy specifically
20 know that you were reviewing his
21 petitions?

22 A I have no idea if he
23 specifically knew I was reviewing his
24 petitions.

25 Q Your complaint states that you

1 E. Skates

2 found Mr. Kennedy's petitions to be
3 illegal or to have illegal signatures; is
4 that right?

5 A Yes.

6 Q Did you report that to anybody?

7 A We reported it to the Board of
8 Elections, and I wasn't the only one that
9 was scrutinizing the petitions.

10 Q Who else was scrutinizing the
11 petitions?

12 A Whoever else was given batches,
13 bundle, stacks to do. So each person, I
14 don't know who -- nobody knew who the next
15 person was because the committee counsel
16 wanted to keep it so it didn't look like
17 it was a combined effort, that everything
18 was on the up and up. So I was given a
19 bunch to clean and, yes, I did find
20 discrepancies, a lot of them.

21 Q Who else reviewed the petitions
22 with you?

23 A I don't know. I don't know.

24 Q When you reviewed the petitions,
25 were you at campaign headquarters?

1 E. Skates

2 A No.

3 Q Where were you?

4 A When I first reviewed the
5 petitions, I was at headquarters. When
6 the numbers came in and -- when -- after
7 we did them at headquarters, we put the
8 ones to the side that were questionable.
9 The counselor took those and gave each
10 person anonymously to put them in some
11 kind of order. So the 150, I think it
12 was, that was given to me, I made a
13 printout of them on my computer --

14 Q Miss Skates, I'm just going to
15 stop you for one second. We are getting
16 way off track. Although I appreciate what
17 you're saying, I'm limited in time.

18 My question specifically was
19 where you reviewed the petitions.

20 A Headquarters.

21 Q And who was with you at
22 headquarters?

23 A Everybody that was a part of the
24 committee.

25 Q Did you observe anybody else

1 E. Skates

2 reviewing petitions while you were at
3 headquarters?

4 A Yes, I did.

5 Q Who?

6 A I don't know.

7 Q You don't know their names?

8 A Because I don't know their
9 names.

10 Q Were any of them employees at
11 the Village of Freeport?

12 A I'm not sure.

13 Q Do you know what the outcome was
14 of those illegal petitions?

15 A From what I understand, there is
16 no outcome as of yet. It's still being
17 investigated, from what I'm told.

18 Q Were they ever reviewed in
19 court?

20 A I'm not sure.

21 Q Were you the only employee at
22 the Village of Freeport who campaigned for
23 Mr. Hardwick?

24 A I don't think so.

25 Q Who else also campaigned for

1 E. Skates

2 Mr. Hardwick?

3 A I told you I'm bad on names.

4 Q You can't remember anyone else
5 who also campaigned for Mr. Hardwick?

6 A No. I just met most of those
7 people right then and there, but the names
8 don't stick out. There were other
9 employees. I know Mr. Richardson did.

10 Q I'm going to leave a blank. If
11 you can remember anybody else's name
12 besides Mr. Richardson, I'm just going to
13 ask that you fill that in.

14 (Insert) _____
15 _____

16 Q Is Mr. Richardson still employed
17 at the Village of Freeport?

18 A Yes, he is.

19 Q What's his title?

20 A I don't know.

21 Q Is he still in the assessor's
22 office?

23 A Mr. Richardson was never in the
24 assessor's office.

25 Q I'm sorry. What position did he

1 E. Skates

2 hold?

3 A He was superintendent of DPW.

4 Q Does he still hold that title?

5 A No. Bobby took it away from
6 him.

7 Q You're referring to Mayor
8 Kennedy?

9 A Yes.

10 Q Do you know what position he now
11 holds?

12 A No, I don't.

13 Q How about Vicky Groden, did she
14 campaign on behalf of Mayor Hardwick?

15 A I don't know.

16 Q Do you know whether she
17 supported Mr. Hardwick?

18 A I don't know.

19 Q You claim that at some point in
20 time when you were employed with the
21 Village of Freeport that you worked in the
22 assessor's department; is that correct?

23 A Yes.

24 Q Did you ever actually hold any
25 title in the assessor's department?

1 E. Skates

2 A I was told that I was the clerk.

3 Q Who told you that?

4 A Paul Nerrick and James Smith, my
5 supervisor and my assistant supervisor.

6 Q Did you ever see that on any
7 documents that listed you as being a
8 clerk?

9 A No.

10 Q Did you ever hold the title of
11 recreation attendant while employed with
12 the Village of Freeport?

13 A I'm not sure.

14 Q While you were assigned to the
15 assessment department, did you ever take
16 any days off from work?

17 A A few.

18 Q When was it that you were
19 transferred to the recreation center?

20 A April 3, 2013.

21 Q In March of 2013, do you know
22 whether or not you took any days off at
23 the assessor's department?

24 A I don't remember.

25 Q How about in February of 2013,

1 E. Skates

2 did you take any days off?

3 A I don't remember.

4 Q While you were at the assessor's
5 office, who maintained your time card?

6 A It was either Paul Nerrick or
7 James Smith.

8 Q Were you ever in possession of
9 the time card?

10 A When I was part time, I was,
11 yes.

12 Q Once you became full time, what
13 happened?

14 A It was taken away.

15 Q It was taken away by Paul or
16 James?

17 A Yes.

18 Q Do you know what happened to it
19 after that?

20 A No, I don't.

21 Q After you were transferred to
22 the rec center, did Paul and James remain
23 at the assessor's office?

24 A No.

25 Q What happened, where did Paul

1 E. Skates

2 go?

3 A Bobby fired them, too.

4 Q Both of them?

5 A Yes.

6 Q Do you know what happened to
7 your time card after you moved from the
8 assessor's office to the rec center?

9 A No.

10 Q Do you know whether or not your
11 time card was lost?

12 A I don't know.

13 Q After you were transferred to
14 the rec center there was a dispute about
15 what happened to that time card; correct?

16 A Okay. Yes.

17 Q Eventually you were granted all
18 of the time that you requested in terms of
19 vacation time, sick leave and personal and
20 comp time; correct?

21 A Yes.

22 MS. PANICO: I'm just going to
23 have marked now as O a copy of a memo
24 dated May 15, 2013.

25 (Memo dated May 15, 2013 was

1 E. Skates

2 hereby marked as Defendant's Exhibit O
3 for identification, as of this date.)

4 Q (Hanging.)

5 A (Perusing.)

6 Q Have you had a chance to review
7 Defendant's Exhibit O?

8 A Yes.

9 Q Do you recognize this document?

10 A Yes.

11 Q What do you recognize it to be?

12 A A memo to me from Victoria
13 Dinielli, manager of Recreation Center, cc
14 to Conor Kirwan, Executive Director of
15 Human Resources, May 15, 2013.

16 Q And is the information contained
17 in this Exhibit O accurate?

18 A Yes.

19 Q Is that your signature toward
20 the bottom, the signature line?

21 A Yes.

22 Q When did you submit a 2012 time
23 card to Miss Dinielli?

24 A I didn't.

25 Q Did you submit it to Mr. Kirwan?

1 E. Skates

2 A No, I gave it to Liz.

3 Q And who is Liz?

4 A She is the one that keeps the
5 payroll.

6 Q Is that after Miss Dinielli
7 asked you where the time card was?

8 A That was long after.

9 Q About how long after, do you
10 know?

11 A I don't know.

12 Q Sorry, could you look at Exhibit
13 O? The last statement, I just want to
14 confirm, the last paragraph says, "I also
15 swear and attest to the fact that I have
16 not taken any time off, sick, vacation,
17 personal, et cetera, in January, February,
18 or March of 2013 prior to my arrival at
19 the Recreation Center." Was that a
20 statement?

21 A I do believe so.

22 Q You didn't take any time off in
23 three months?

24 A I think so. I'm not sure.

25 Q Do you know why you were

1 E. Skates

2 transferred from the assessor's office to
3 the rec center, as you claim?

4 A As I claim?

5 Q Yes. You claim you were
6 transferred from the assessor's office to
7 the rec center; right?

8 A That's a fact.

9 Q Okay. Do you know why?

10 A From what I was told, Bobby did
11 not want me there. He wanted me in the
12 rec center as a form of a punishment.

13 Q Do you know what he was
14 punishing you for?

15 A Yes, finding information on him,
16 not supporting him, working against his
17 election.

18 Q Do you believe it had anything
19 to do with you collecting signatures at
20 the Memorial Day parade?

21 A I think it had a lot to do with
22 a lot of things that he did not agree to.

23 Q Do you believe that you were
24 transferred from the assessor's office to
25 the rec center because you collected

1 E. Skates

2 signatures at the Memorial Day parade?

3 A Among other things, yes.

4 Q You had stated earlier -- I
5 don't want to mischaracterize. If I'm
6 saying it wrong, just correct me. I
7 believe you said you were told that
8 Kennedy did not want you there as a form
9 of punishment?

10 A Yes.

11 Q Who told you that?

12 A Victoria Dinielli. She said the
13 orders came straight from the mayor. She
14 had nothing to do with it.

15 Q Did she tell you that Mayor
16 Kennedy was looking to punish you?

17 A No.

18 Q Did anybody tell you that?

19 A No.

20 Q So that's just your own personal
21 belief; correct?

22 A It's more than a personal
23 belief, but we wouldn't go into that
24 because you would not understand it.

25 Q Well, I need, unfortunately, to

1 E. Skates

2 understand it.

3 A You wouldn't understand it. Are
4 you spiritual?

5 Q I don't know what you mean by
6 "spiritual."

7 A Are you spiritual?

8 Q I'm not the individual being
9 deposed, so you can't ask me questions.

10 What I'm asking you is how you
11 know that Mr. Kennedy, Mayor Kennedy,
12 transferred you as a form of punishment?
13 Are you saying you were told through your
14 religion?

15 A No. I'm saying that I was told
16 by my spirituality, which has nothing to
17 do with religion.

18 Q Okay. So spirituality is not
19 religion?

20 A No.

21 Q Okay. What do you mean you were
22 told through your spirituality?

23 MS. KAYANI: I want to object.

24 A Didn't I just tell you, you
25 would not understand?

1 E. Skates

2 MS. KAYANI: You're required to
3 answer.

4 A Now, what were you saying?

5 Q You said that you were told that
6 Mayor Kennedy was transferring you as a
7 form of punishment, you were told that
8 through your spirituality, and I said, in
9 what way?

10 A In showing me things that were
11 to come.

12 Q Okay.

13 A And why things were the way they
14 were.

15 Q Okay. Is this through some sort
16 of, like, telepathic or through like a
17 medium? I'm just not sure what you mean.

18 A No.

19 Q Did somebody appear to you and
20 tell you this?

21 A No, no.

22 Q So what exactly do you mean?

23 A I can't explain it to you.

24 Q Like a psychic?

25 A No.

1 E. Skates

2 Q So who came to you and told you
3 this then?

4 A I will not answer that because
5 you do not understand.

6 Q Is it a human being that came to
7 you and told you that?

8 A No.

9 Q Aside from you, was anybody else
10 transferred from the assessor's department
11 to the rec center at the time that you
12 were?

13 A No.

14 Q How about, I'm going to
15 pronounce this wrong, but I'm going to
16 try, Eurel Moses, do you know who that is?

17 A Yes, I know who Eurel is.

18 Q Do you know what title Eurel
19 held?

20 A No.

21 Q Do you know if he or she was
22 transferred to the rec center at any point
23 in time?

24 A Yes.

25 Q When was that?

1 E. Skates

2 A I don't know.

3 Q Do you know whether or not Eurel
4 campaigned on behalf of Mayor Hardwick or
5 former Mayor Hardwick?

6 A I think he did.

7 Q How about Karen Harding, do you
8 know whether or not she was transferred to
9 the rec center around the same time that
10 you were?

11 A I'm not sure about the time, but
12 she was transferred.

13 Q Transferred to the rec center?

14 A Yes.

15 (Phone ringing.)

16 THE WITNESS: I'm sorry. I'll
17 turn my phone off.

18 Q Do you know what Miss Harding's
19 title was?

20 A No.

21 Q Do you know if she was
22 transferred before or after Mayor Kennedy
23 was elected?

24 A After.

25 Q She was transferred after he was

1 E. Skates

2 elected?

3 A Yes.

4 Q Do you know whether or not Miss
5 Harding campaigned on behalf of former
6 Mayor Hardwick?

7 A I'm not sure.

8 Q Are you familiar with anybody
9 named Michelle Murphy?

10 A That name doesn't sound familiar
11 to me.

12 Q What about Cherline Aberdeen, do
13 you know who that is?

14 A Yes.

15 Q Was he or she employed by the
16 Village of Freeport?

17 A Yes.

18 Q Do you know what title Cherline
19 held?

20 A No.

21 Q Was Cherline transferred in or
22 around the time that Mayor Kennedy was
23 elected?

24 A Yes.

25 Q Was Cherline transferred before

1 E. Skates

2 or after Mayor Kennedy took office?

3 A After.

4 Q And what position did Cherline
5 hold beforehand?

6 A I don't know.

7 Q Do you know what position
8 Cherline held after?

9 A I know she's in -- she was
10 transferred to the water tower in
11 Freeport, where all the trucks are.

12 Q You said you don't know what
13 title Cherline actually held?

14 A No.

15 Q Do you know whether or not
16 Cherline campaigned on behalf of Andrew
17 Hardwick?

18 A Yes.

19 Q Yes, she did?

20 A Yes.

21 Q How about Tamiko Alston,
22 A-L-S-T-O-N, do you know who that is?

23 A Yes.

24 Q Is or was Tamiko employed by the
25 Village of Freeport?

1 E. Skates

2 A Yes.

3 Q Do you know what title Tamiko
4 held?

5 A I think she was the registrar.

6 Q At some point in time was Tamiko
7 transferred?

8 A Yes.

9 Q And was that before or after
10 Mayor Kennedy was elected?

11 A After.

12 Q Do you know what title Tamiko
13 held?

14 A Registrar.

15 Q Is that a civil service title?

16 A Yes, it is.

17 Q How do you know that?

18 A Because you have to take a civil
19 service test to be a registrar.

20 Q You also have to take a civil
21 service test to be a clerk; right?

22 A Yes.

23 Q Do you know for sure that Tamiko
24 was, in fact, a registrar?

25 A Yes.

1 E. Skates

2 Q How?

3 A She said so.

4 Q Did Tamiko campaign on behalf of
5 Andrew Hardwick?

6 A Yes.

7 Q When did you start working at
8 the rec center?

9 A April 3, 2013.

10 Q When you were initially moved to
11 the rec center, what were your hours
12 there?

13 A When?

14 Q I said when you were initially
15 moved to the rec center.

16 A 8:30 to 4:30, Monday through
17 Friday.

18 Q Did anybody ever tell you that
19 that was a temporary schedule?

20 A I think so.

21 Q Do you remember who told you
22 that?

23 A I think it was Victoria
24 Dinielli.

25 Q Do you know, does the rec center

1 E. Skates

2 operate seven days a week?

3 A So I'm told.

4 Q Is it open seven days a week?

5 A I don't know. I don't frequent
6 the rec center.

7 Q But you worked there for a
8 number of months. You don't know whether
9 or not it was open?

10 A Yes, but I don't know if it was
11 open on Sundays. I didn't work on
12 Sundays. I didn't know it was open seven
13 days a week.

14 Q Do you know if there was like a
15 typical shift that employees, or typical
16 shifts that employees were expected to
17 work?

18 I know that's unclear, so I'm
19 going to clarify. For example, was
20 Thursday through Monday like a typical
21 shift that some employees would work?

22 A I don't know.

23 Q In regards to the duties that
24 were assigned to you when you were moved
25 over to the rec center, were those the

1 E. Skates

2 same duties that all the other rec
3 attendants performed?

4 A No.

5 Q In what way did your job differ
6 from the other rec attendants?

7 A I don't know how to answer that.

8 Q Well, I asked you if you
9 performed the same duties --

10 A I don't know how to answer the
11 question.

12 Q I'm going to try to rephrase it.
13 Like I said at the outset, I know
14 sometimes I can be unclear, so I'm going
15 to try to clarify it.

16 What I asked was whether or not
17 you performed the same duties that the
18 other rec duties performed, you said no,
19 you performed different duties.

20 What I want to know is what
21 duties did you perform that were different
22 than what the other rec attendants did?

23 MS. KAYANI: I'm going to
24 object. If she knows some, she knows
25 some, she can answer.

1 E. Skates

2 Q Do you know what the other rec
3 attendants did?

4 MS. PANICO: Let me withdraw
5 that.

6 Q You said that you knew the work
7 that you performed was different, at least
8 in some respect, than what the other rec
9 attendants did. So obviously you must
10 have some knowledge to make that
11 differentiation between what you did and
12 what the others did.

13 A Well, Naomi cleaned the women's
14 locker room and showers. I didn't do
15 that. That's all she did.

16 Q Okay. Anything else that you
17 can think of that's different?

18 A The guys cleaned the rink, the
19 ice, and sharpened the skates and rented
20 the skates out.

21 Q What do you mean by "the guys"?
22 I don't know what guys you're referring
23 to?

24 A The men. The males.

25 Q That --

1 E. Skates

2 A I don't know names.

3 Q Anybody else who had different
4 duties than you that were rec attendants?

5 A Gwen cleaned the day care.

6 Q Anybody else?

7 A That's it.

8 Q Did you have any specific duty,
9 like, for example, Naomi did the locker
10 room, Gwen did the day care?

11 A No. Whatever they decided to
12 tell me to do within five minutes, that's
13 what I generally did.

14 Q You didn't have any area that
15 you generally cleaned?

16 A No. I generally cleaned the
17 whole rec center.

18 Q With the exception of the locker
19 room and the day care?

20 A Yes.

21 Q And you didn't do the ice rink?

22 A Right.

23 Q Just for my own benefit, can you
24 just give me the different areas of the
25 rec center? You told me there's a locker

1 E. Skates

2 room, a skating rink. Is there a pool at
3 the center?

4 A Yes.

5 Q Who maintained that?

6 A I have no idea.

7 Q Was it you?

8 A No.

9 Q The locker room and the pool,
10 was that maintained by Naomi?

11 A Yes.

12 Q Any other areas of the rec
13 center?

14 A What do you mean?

15 Q Like the locker room, the skate
16 rink, the pool.

17 A You said you were going to name
18 the areas, so what area are you naming
19 now?

20 Q I'm asking you what are the
21 other areas. I've never been to the rec
22 center, so that's why I need information
23 from you.

24 A I'm sorry, but you just said who
25 did the pool and who did the locker room

1 E. Skates

2 and so forth, so you did. Because you
3 just said to me, I'm going to name some
4 areas and tell me; is that not what you
5 just said or did I misunderstand you?

6 THE WITNESS: Could you ask her
7 to read it back?

8 Q I'm not arguing. I just want to
9 make things very clear.

10 MS. KAYANI: She is asking you
11 besides the ones that are named, what
12 other areas in the rec center, besides
13 what you named and she named.

14 A There's the bubble. There's the
15 senior lounge. There's the two offices.
16 There's the basketball court. There's the
17 cardio area and there's the exercise room.

18 Q What's the bubble?

19 A Where they ice skate.

20 Q The basketball court, was that
21 ever part of your responsibilities?

22 A No.

23 Q The offices, is that for the
24 management?

25 A Yes.

1 E. Skates

2 Q Was that ever part of your
3 duties?

4 A No.

5 Q The cardio room, was that ever
6 part of your duties?

7 A At one time, yes.

8 Q And the senior lounge, was that
9 ever part of your duties?

10 A Yes.

11 Q The exercise room, was that ever
12 part of your duties?

13 A Yes.

14 Q Anything else that was part of
15 your duties that I didn't already mention?

16 A Scraping paint off of tables and
17 walls.

18 Q What area was that in?

19 A That was in the art room.

20 Cleaning the skate lounge every
21 day, paint off the windows of the skate
22 lounge.

23 Q I'm just going to stop you there
24 for one second. I asked you whether or
25 not you had any responsibilities in the

1 E. Skates

2 skate area. I thought you told me no.

3 A I thought you meant the bubble.

4 Q I didn't realize there's two
5 different areas.

6 A There's the skate lounge and
7 then there's the bubble where they ice
8 skate. I don't do anything in the bubble.

9 Q Okay. So you just did the skate
10 lounge?

11 A Yes.

12 Q Like I said, I didn't mean to
13 cut you off, so anything else?

14 A The dance lounge. They had me
15 painting the dance lounge, the groove
16 doors with a roller.

17 Q Did you ever observe Miss
18 Dinielli do any cleaning at the rec
19 center?

20 A No.

21 Q How about Mr. Beaufort, did you
22 ever see him do any cleaning or any
23 maintenance?

24 A No.

25 Q How about Mr. Henry, did he ever

1 E. Skates

2 do any cleaning or any maintenance at the
3 rec center?

4 A That I seen?

5 Q Yes.

6 A No.

7 Q Are you aware of any of those
8 three individuals doing any cleaning or
9 maintenance at the rec center?

10 A No.

11 Q Now, Miss Skates, immediately
12 upon your transfer to the rec center, you
13 began having trouble with your co-workers;
14 correct?

15 A Wrong.

16 Q Within just two weeks of your
17 transfer to the rec center you engaged in
18 insubordination towards Miss Dinielli,
19 your supervisor; correct?

20 MS. KAYANI: Objection, but you
21 can answer.

22 A So she says.

23 Q At some point in time you
24 requested a key card from Miss Dinielli;
25 is that right?

1 E. Skates

2 A Yes, upon instructions from H.R.

3 Q What is the purpose of the key
4 card?

5 A The key card was to open the
6 electronic gate to the employee's parking
7 lot.

8 Q Where is that employee lot
9 located?

10 A In the back of the rec center.

11 Q Is that employees' parking lot
12 any closer to the rec building than the
13 general parking lot?

14 A Yes.

15 Q How much closer?

16 A Very close. Because you walk
17 right through the garage into the rec
18 center instead of walking from the two
19 football size parking lots to the
20 building.

21 Q Could you have parked at the
22 front of the general parking lot?

23 A No.

24 Q Why not?

25 A Because that's for handicap.

1 E. Skates

2 Q How many handicap spots are in
3 the general parking lot?

4 A I don't know.

5 Q Was it more than 10?

6 A But they are all in the front.

7 Q Were there more than 10?

8 A I don't know. You want to leave
9 that blank and I can get you the number
10 later?

11 Q Is the reason why you wanted the
12 key card was because it was closer?

13 A No.

14 Q Why did you want the key card?

15 A Because, number one, my car was
16 being dinged in the parking lot. I had
17 damages, and it is reported. It's on
18 report with the Freeport Police
19 Department.

20 And two, I did not know -- I
21 wasn't made privy to that, that there was
22 one.

23 Q So that's why you wanted it,
24 because you weren't made privy to it?

25 I think my question was, why did

1 E. Skates

2 you want it?

3 A Didn't I just tell you that my
4 car was being damaged?

5 Q Okay. And then you said that
6 you weren't privy to it. I just didn't
7 know what you meant when you say that you
8 weren't privy to it.

9 A I wasn't privy to the fact that
10 there was an employee parking lot.

11 Q Okay.

12 A So when I found out there was
13 one, I wanted to get a key because
14 everybody was parking in the employee's
15 parking lot.

16 Q Okay. How many marked spaces
17 are there in this employee lot?

18 A Maybe about 15.

19 Q Fifteen marked spaces?

20 A Twenty.

21 Q Marked spaces?

22 A Yeah.

23 Q Do you know how many key cards
24 were, in fact, issued, had been issued at
25 the time that you requested it from human

1 E. Skates

2 resources?

3 A No.

4 Q Can you name for me the
5 employees who possessed a key card at the
6 time that you requested it from Miss
7 Dinielli or from human resources?

8 A The only thing I can tell you is
9 everyone that drove, and I don't know how
10 many. Everyone that drove because
11 everybody had different shifts.

12 Q Can you name for me the people
13 that had key cards?

14 A Who had key cards that no longer
15 has it now; is that what you mean?

16 Q No. Who had a key card at the
17 time that you were requesting it from Miss
18 Dinielli or from human resources?

19 A Okay. Can we clear something
20 up?

21 Q My question is who had a key
22 card --

23 THE WITNESS: I need to speak to
24 my attorney.

25 Q I have a question pending right

1 E. Skates

2 now, so, unfortunately, you have to answer
3 it before we break.

4 MS. KAYANI: Can you just
5 clarify a little more?

6 MS. PANICO: I'll clarify the
7 question. I have no problem doing
8 that.

9 Q You had stated that you believed
10 that every other employee or that every
11 other employee who drove had a key card.

12 My specific question is, I'm
13 looking for you to identify the
14 individuals who you believe had a key card
15 when you were requesting a key card.

16 A Everyone that drove, and I
17 didn't know everyone's name, but everyone
18 that drove.

19 Q Okay. Like I said earlier in
20 the deposition --

21 A So, okay --

22 Q I have to move through this.

23 A Can you just leave that blank
24 and we'll fill it in later, then?

25 Q No. The question I had was

1 E. Skates

2 whether or not you can identify people. I
3 understand that you may not know everybody
4 and you may not be able to recall
5 everybody's name. But to the best of your
6 knowledge, as we sit here today, can you
7 name for me who had a key card back in
8 April of 2013?

9 A Can I tell you who didn't?

10 Q No. I'm asking you who did. We
11 can go through who didn't afterwards, but
12 I need you to answer my question first.

13 A I don't know everybody's name.

14 Q Again, I understand you may not
15 know everybody.

16 A James Beaufort, Henry, whatever
17 his name, John Henry, Liz, Vicky, and
18 that's all I know right now, but there
19 were more.

20 Q Mr. Beaufort, he is management?

21 A I don't know.

22 Q He was your supervisor?

23 A Supervisor. But that doesn't
24 make him management because he wasn't in
25 on any managerial decisions.

1 E. Skates

2 Q Mr. Henry, he was your
3 supervisor?

4 A Yes, after they took
5 Mr. Beaufort away.

6 Q Vicky Dinielli was your
7 supervisor?

8 A She is the managing director.

9 Q And Liz, she does banking,
10 payroll?

11 A She does the payroll.

12 Q Does she do banking as well?

13 A I don't know.

14 Q You said you wanted to name for
15 me the employees who did not have a key
16 card?

17 A Yes.

18 Q Go ahead. Can you name those?

19 A Vicky Groden. Naomi, I don't
20 know her last name. Aneek Adams. Queen,
21 I don't know Queen's last name. Gwen, I
22 don't know Gwen's last name. I think his
23 name was John or Paul or Joe, whatever,
24 but he was parking there until they
25 decided to tell him not to park there so

1 E. Skates

2 they wouldn't have to give me a key. And
3 I think his name was Sergio, I'm not sure.
4 And I don't know the Latino's name, I
5 don't remember her name. But they took
6 their key passes away from them when I
7 requested to get one.

8 Q I thought you said they never
9 had one.

10 A No, I didn't say that.

11 Q Just let me do it this way --

12 A Whoever had them was Naomi,
13 Queen, Vicky, and Aneek, those are the
14 ones that didn't have it because they
15 didn't have cars.

16 Q Did Miss Groden ever open or
17 close the building for the rec center?

18 A I think on Saturdays. I'm not
19 really sure, but I think it was Saturdays
20 she opened. I know during the week she
21 didn't.

22 Q Did Naomi ever open or close the
23 building?

24 A I'm not sure.

25 Q Did Miss Adams ever open or

1 E. Skates

2 close the building?

3 A I'm not sure, but they didn't
4 have cars.

5 Q Did Gwen ever open or close the
6 building?

7 A No. And she didn't have a car
8 either.

9 Q How about John, I know you
10 couldn't remember his last name, did he
11 ever open or close the building?

12 A I do believe he did a couple of
13 times.

14 Q A couple of times?

15 A I think. I'm not sure.

16 Q Was it part of his regular
17 duties?

18 A No.

19 Q Did Sergio ever open or close
20 the building?

21 A No.

22 Q And this female Latino, you
23 couldn't recall her name, did she open or
24 close the building?

25 A I'm not sure. She might have a

1 E. Skates

2 couple of times.

3 Q As part of her regular duties
4 ever?

5 A I think so. I mean, because
6 nobody ever told me anything. Everything
7 was hush, hush.

8 Q Did you observe her continually
9 opening the building?

10 A We worked at different times.

11 Q So you don't know for sure?

12 A Right.

13 MS. PANICO: I'm going to have
14 marked as Exhibit P a Memorandum of
15 Rebuttal dated April 22, 2013.

16 (Memorandum of Rebuttal dated
17 April 22, 2013 was hereby marked
18 as Defendant's Exhibit P for
19 identification, as of this date.)

20 Q Miss Skates, at any point in
21 time did you ever possess a key card for
22 the rec center?

23 A No.

24 Q (Hanging.)

25 A (Perusing.)

1 E. Skates

2 Okay.

3 Q Miss Skates, do you recognize
4 Defendant's Exhibit P?

5 A Yes.

6 Q What do you recognize it to be?

7 A It's my memo to Conor Kirwan
8 asking for a key card. Because according
9 to instructions from H.R., I had a key
10 card when I was in village hall, I lost it
11 and they said if I had that card, all they
12 had to do was give me a different code and
13 I could use that, but that I would have to
14 go to Victoria Dinielli and ask her to
15 okay a key card for me.

16 Q So you had a key card for
17 village hall?

18 A Yes.

19 Q That gave you access to the
20 parking lot in village hall, would that
21 have worked at the rec center as well?

22 A There was no -- no.

23 Q So you would have needed a
24 completely new key card?

25 A No.

1 E. Skates

2 Q It would have been the same key
3 code, but it would have had a different
4 activation?

5 A Yes.

6 Q It says that it's a rebuttal
7 letter. What were you filing this in
8 rebuttal to?

9 A The denial. Victoria Dinielli
10 gave me a letter denying me access to a
11 key card to the employee parking lot
12 because Naomi and Vicky didn't have one.

13 Q When you requested the key card
14 from human resources, they told you to go
15 see Miss Dinielli; is that correct? I
16 just want to make sure I have the timeline
17 right.

18 A When I requested -- when I
19 requested from H.R. a key card, they
20 informed me to bring in my old one and
21 they will reactivate it with a different
22 code. I said I can't find it. She says,
23 okay, you have to go to Victoria and ask
24 her to okay it so we can make one for you.

25 Q Okay. And did you then go to

1 E. Skates

2 see Miss Dinielli?

3 A Yes, I did.

4 Q And did you make that request to
5 Miss Dinielli?

6 A Yes, I did.

7 Q And what was her response?

8 A Her first response was -- if I
9 remember correctly, because this all ran
10 together, her first response was, "I don't
11 have enough spaces." She said there's not
12 enough spaces in the lot.

13 So I went out and took pictures.
14 There was enough spaces.

15 Then I came back and I said,
16 "Listen, there's enough spaces so why are
17 you making it difficult for me to get a
18 card?"

19 And she said that, why would I
20 want to park back there anyway because,
21 after all, Naomi and Vicky don't ask for a
22 key card, but they don't have a car. But
23 what's that got to do with me?

24 Q Was that your response to Miss
25 Dinielli?

1 E. Skates

2 A Yep.

3 Q At any point during this
4 exchange, did you raise your voice to
5 Miss Dinielli?

6 A No.

7 Q Did you get angry during this
8 exchange?

9 A I don't say I was angry. I was
10 more confused and couldn't understand why
11 she wouldn't give this to me.

12 Q Were you frustrated?

13 A Nah.

14 Q Did you yell at all?

15 A No.

16 Q Did you point or wave your
17 finger at Miss Dinielli?

18 A I did.

19 Q Did you walk out of the office
20 at that point?

21 A When she told me that she wasn't
22 going to give it to me, I said, "Okay,
23 fine," and I turned around. And she said
24 something, I don't know what she said.
25 And I turned back around to her and I gave

1 E. Skates

2 her the Disney point and I said, "When you
3 stop having people spy on me, we would
4 have a better relation." And I turned
5 around, threw my hands up in the air and I
6 walked out of the office.

7 She called me to come back and I
8 did not go back because I did not want to
9 be in her presence.

10 Q What did you mean by her having
11 people spy on you?

12 A There were women in the senior
13 lounge that went and reported -- went and
14 -- one lady went and said something to her
15 and she told the lady, well, you just keep
16 watching her and let me know what goes on.

17 Q What did that lady say to
18 Miss Dinielli?

19 A Something about, I hum, I sing
20 while I'm working.

21 Q How did you find out that she
22 said that to Miss Dinielli?

23 A Because Vicky Groden told me
24 that Victoria Dinielli told her.

25 Q How did you find out that

1 E. Skates

2 Miss Dinielli told her, was it a senior?

3 A I guess she was.

4 Q How did you find out that
5 Miss Dinielli told the senior to keep an
6 eye on you?

7 A Because that's what Victoria --
8 Vicky Groden told me Victoria Dinielli
9 told her, because she wanted her to watch
10 me, too.

11 Q Just to be clear, this was
12 all within two weeks after you were
13 transferred to the rec center?

14 A Exactly. Maybe longer.

15 Q During this exchange with
16 Miss Dinielli in regards to the key card,
17 were you disrespectful to Miss Dinielli?

18 A What do you mean
19 "disrespectful"?

20 Q I mean, I think the word speaks
21 for itself.

22 A No.

23 Q Do you know the meaning of
24 disrespectful?

25 A What do you mean

1 E. Skates

2 "disrespectful"? Disrespectful, to me,
3 would be calling you out of your name or
4 telling you to go to someplace. That
5 would be disrespectful to me.

6 MS. KAYANI: Can you just
7 clarify the question for her?

8 Q Were you insubordinate at all
9 toward Miss Dinielli?

10 A No.

11 Q Were you argumentative at all
12 with Miss Dinielli?

13 A No.

14 Q Did you request to have
15 Miss Dinielli provide you with something
16 in writing denying you the pass?

17 A Yes.

18 Q Why did you do that?

19 A Because I wanted to keep a
20 record of it.

21 Q You wanted to keep a record of
22 Miss Dinielli?

23 A I wanted to keep a record of her
24 denying me this card.

25 Q Why?

1 E. Skates

2 A Because I wanted to keep a
3 record.

4 Q Were you planning to use it for
5 anything?

6 A I didn't know. You never know.

7 Q Were you planning to use it in
8 this lawsuit?

9 MS. KAYANI: Objection.

10 A I didn't plan to sue anybody
11 because I didn't plan to get injured. I
12 didn't plan to be fired wrongfully. I
13 didn't plan any of this.

14 Q I'm going to show you what is
15 going to be marked as Defendant's Exhibit
16 Q, which is a memo dated April 16, 2013.

17 (Memo dated April 16, 2013 was
18 hereby marked as Defendant's Exhibit Q
19 for identification, as of this date.)

20 Q (Hanging.)

21 A (Perusing.)

22 Q Do you recognize Defendant's
23 Exhibit Q?

24 A Yes.

25 Q You've seen this document

1 E. Skates

2 before?

3 A Yes.

4 Q What do you recognize this
5 document to be?

6 A The denial of the key card.

7 Q And Miss Dinielli provided this
8 to you at your request?

9 A Yes.

10 Q I'll show you now what we will
11 mark as Exhibit R, which is a memo dated
12 April 17, 2013.

13 (Memo dated April 17, 2013 was
14 hereby marked as Defendant's Exhibit R
15 for identification, as of this date.)

16 Q (Hanging.)

17 A (Perusing.)

18 Q Miss Skates, have you had a
19 chance to review Defendant's Exhibit R?

20 A Yes.

21 Q Do you recognize this document?

22 A Yes.

23 Q What do you recognize it to be?

24 A I recognize it to be an untruth
25 document.

1 E. Skates

2 Q Did you receive this document
3 from Miss Dinielli?

4 A Yes.

5 Q Did you receive it on or about
6 April 17, 2013?

7 A I don't remember the date that I
8 received it, but...

9 Q Did Miss Dinielli hand it to
10 you?

11 A I think so, but I don't think it
12 was on the 17th, but anyway...

13 Q Was it around that day?

14 A It was around that week.

15 Q In that memo, Miss Dinielli
16 stated you "used an inappropriate elevated
17 tone throughout your conversation."

18 Did you use an elevated tone in
19 your conversation with Miss Dinielli?

20 A No.

21 Q Later in that same paragraph she
22 wrote you "then proceeded to walk out of
23 my office unexcused as I was calling you
24 to return."

25 Did you walk out of

1 E. Skates

2 Miss Dinielli's office while she was
3 speaking to you or calling for you?

4 A I walked out of the office. As
5 I was walking out of the office, she said,
6 "Come back." Because the conversation, as
7 far as I was concern, was finished because
8 she wasn't going to give me a key card.

9 I was at the door and she says,
10 "You can't leave. Come back." And I just
11 continued to walk because there was no
12 need for me to be there and discuss
13 anything else with her because it was
14 moot.

15 Q It states in the next paragraph,
16 "This letter serves as a reprimand as well
17 as a warning that any behavior of this
18 nature in the workplace during the next 12
19 months will subject you to discipline
20 which may include and not be limited to
21 an unpaid suspension."

22 Is this the first reprimand that
23 you received at the Village of Freeport?

24 A The only reprimand that I've
25 ever received in all of my employed years.

1 E. Skates

2 Q It also states, later in that
3 paragraph, "Moreover, you're required to
4 submit to violence in the workplace/
5 sensitivity training offered by the
6 employee assistance program."

7 Were you, in fact, referred to
8 this workplace sensitivity training?

9 A Yes. And then it also said that
10 if I didn't go, I would be fired; right?
11 And that I was going to be on 12 months
12 suspension, right?

13 Q Like I said, I'm not the one
14 answering questions.

15 A I'm just saying you're reading
16 it. Is it not saying that, too?

17 Q I'm not the one that is supposed
18 to answer questions here.

19 My question to you is whether or
20 not you attended workplace sensitivity
21 training offered by the EAP program?

22 A Yes, I did.

23 MS. PANICO: We'll have this
24 memo dated April 17, 2013 marked as
25 Exhibit S.

1 E. Skates

2 (Document from Human Resources
3 was hereby marked as Defendant's
4 Exhibit S for identification, as of
5 this date.)

6 Q (Hanging.)

7 A (Perusing.)

8 Q Miss Skates, do you recognize
9 Defendant's Exhibit S?

10 A Yes.

11 Q What do you recognize it to be?

12 A From human resources signed by
13 Conor Kirwan that I'm to attend EAP
14 classes.

15 Q Did you receive this document on
16 or about April 17, 2013?

17 A I might have. I don't remember.
18 I could have. I know I received it. I
19 don't know the date.

20 Q Did you receive it on or about
21 that time?

22 A Yes.

23 MS. PANICO: I'm going to have
24 marked as Exhibit T, now, a memo that
25 says "Corrective Action Plan" dated

1 E. Skates

2 April 17, 2013.

3 (Corrective Action Plan was
4 hereby marked as Defendant's Exhibit T
5 for identification, as of this date.)

6 Q (Hanging.)

7 A (Perusing.)

8 Q Miss Skates, have you had a
9 chance to review Defendant's Exhibit D?

10 A Yes.

11 Q Do you recognize this document?

12 A Yes.

13 Q What do you recognize it to be?

14 A You're being administratively
15 referred to National EAP, Employee
16 Assistance Program. I guess this is from
17 the union. Ted Focur (phonetic) signed
18 it.

19 Q Above that signature it says,
20 "Signature of employee"; is that your
21 signature there?

22 A Yes.

23 Q And you received this document
24 on or around April 17, 2013?

25 A Yes.

1 E. Skates

2 Q Did you ever attempt to grieve
3 either this referral to EAP or the
4 reprimand that was given to you by
5 Miss Dinielli?

6 A I don't remember.

7 Q Miss Dinielli is not the first
8 person who has ever told you that you have
9 anger management issues; is that correct?

10 MS. KAYANI: Objection to form.

11 A No, I don't understand your
12 question.

13 Q Is Miss Dinielli the first
14 person that's ever told you that you had
15 anger management issues?

16 A As far as I remember, yes.

17 Q Nobody has ever told you, other
18 than Miss Dinielli, that you need to
19 manage your anger or your frustration?

20 A I don't remember.

21 Q Did you ever have a therapist
22 that told you that you have "poor
23 frustration management?"

24 MS. KAYANI: Objection.

25 A No.

1 E. Skates

2 Q Did you ever have a verbal
3 altercation with any of the senior patrons
4 aside from what you testified to already?

5 A No.

6 Q At any time did you ever have an
7 argument with a senior patron regarding
8 the volume of the television?

9 A No.

10 Q Did you ever have a verbal
11 argument with any of the senior patrons
12 regarding the temperature in the senior
13 room?

14 A No.

15 Q Did you ever call any of the
16 senior patrons a Jew bitch or Jew bitches?

17 A No.

18 Q Are you aware of the fact that
19 Miss Groden is claiming that you did call
20 one of the senior patrons a Jew bitch?

21 A I'm aware of a letter that she
22 wrote on me.

23 Q And you're aware that she signed
24 that letter?

25 A I'm aware she signed the letter,

1 E. Skates

2 but I'm also aware it was not notarized.

3 Q Do you have any reason to
4 believe that Miss Groden would make this
5 up or lie about you?

6 A Yes.

7 Q Why would she do that?

8 A Because the object was to make
9 me quit the job. So since I didn't quit,
10 they started making lies on me. And yes,
11 Miss Groden has a price. And if anybody,
12 Miss Groden was the one that called the
13 seniors Jew bitches. James Beaufort was
14 the one that called the women Jew bitches.
15 John Henry was the one that called the
16 women in the senior lounge Jew bitches,
17 but he never said it in front of them, but
18 they did say it to me.

19 I don't call people out of their
20 name because I don't want anyone to call
21 me out of my name.

22 Q Why would Miss Groden make it
23 her objective for you to quit? Why did
24 Miss Groden want you to quit?

25 A Because they didn't want me in

1 E. Skates

2 the rec center.

3 Q Who didn't?

4 A Bobby, Victoria, Vicky. I did
5 not fall in line with talking about
6 people. I wasn't a part of any of that.

7 Q I had originally asked you why
8 would Miss Groden make up the fact that
9 you called a senior a Jew bitch. You said
10 because it was her objective to make you
11 quit.

12 My question is, why would she
13 want you to quit?

14 A I don't know, but I can assume.

15 Q Assume based on what?

16 A Based on money talks and
17 everything else walks. So, yes, I believe
18 that she was paid, along with everyone
19 else.

20 Q She was paid to make that up?

21 A Yes. Because in the -- the
22 letter is dated -- I think the letter was
23 dated May, or something like that, and
24 they just bring it up to me in October.

25 Q You had a good relationship,

1 E. Skates

2 though, with Miss Groden; right?

3 A It wasn't such a good
4 relationship. I was just very leery and
5 careful of her because I saw how she act
6 and how she could take things and twist it
7 around, so I kept things calm with her.

8 Q Were you friendly with her?

9 A I wouldn't say friendly. We
10 didn't go to lunch together. We didn't go
11 out together. We didn't call each other
12 on the phone after work or during work or
13 nothing, no. We were just cordial to each
14 other.

15 Q You were responsible, you
16 indicated earlier, at some point, for
17 cleaning the senior room; is that right?

18 A Yes.

19 Q In what way were you responsible
20 for cleaning the senior room or
21 maintaining the senior room, what did you
22 do there?

23 A Well, when I first came to the
24 senior room, I was told by Victoria
25 Dinielli that I had to clean the whole

1 E. Skates

2 room, windows, countertops, chairs, front,
3 back and underneath, rug, take care of the
4 plants, that's what I had to do in the
5 senior room. Make sure that, you know,
6 that the floor was clean, all the dishes
7 were washed and put away before my shift
8 was over.

9 Q Did that change at some point in
10 time?

11 A Yes.

12 Q I mean your duties within the
13 senior room, or was that consistent with
14 whatever you already named?

15 A That changed.

16 Q The duties within the senior
17 room changed?

18 A Yes.

19 Q In what way did they change?

20 A Well, because I had cleaned it
21 up, there was no need to go do that
22 anymore because it was no longer filthy.

23 Q So what did your duties change
24 to, then, in the senior room?

25 A Just to clean the pool table,

1 E. Skates

2 the tables that they played cards on,
3 sweep the floor, put the condiments away
4 and wash out the coffee pot.

5 Q When you were initially assigned
6 to do some work in the senior room, was
7 there already an employee worker in there?

8 MS. PANICO: Withdraw it and
9 rephrase it.

10 Q Was Vicky Groden already working
11 in the senior room at the time that you
12 were assigned to start working there?

13 A She would make the coffee in the
14 morning and she would clean the coffee pot
15 in the afternoon and that was it.

16 Q After the initial heavy cleanup
17 where you did the windows, counters, et
18 cetera, once --

19 MS. PANICO: Withdrawn.

20 Q The initial heavy cleanup where
21 you had to do the windows, the counters,
22 the chairs, the rugs, et cetera --

23 A By myself.

24 Q Okay. How long did that take
25 you to do that?

1 E. Skates

2 A Two and a half days.

3 Q Once that was over with and you
4 started just looking after the pool table,
5 the card table, the condiments, how much
6 time did that take you to do each day?

7 A I don't know.

8 Q Did it take more than an hour?

9 A I don't know.

10 Q Did it take a whole day to do
11 those duties?

12 A No.

13 Q Did it take less than a half a
14 day?

15 A I don't know.

16 Q Did Vicky Groden work with you
17 in the senior room?

18 A No, no.

19 Q You never worked alongside each
20 other in the senior room?

21 A No.

22 Q The senior room, was that just
23 one of your overall duties or were you
24 exclusively assigned to the senior room?

25 A It was part of my overall

1 E. Skates

2 duties.

3 Q You had other duties aside from
4 just the senior room; right?

5 A Yes.

6 Q At some point in time were your
7 job duties in the senior room taken away
8 from you?

9 A Only in the afternoon.

10 Q What do you mean by that?

11 A Only in the afternoon. I didn't
12 -- I could clean it in the morning before
13 the seniors came in, but I didn't clean it
14 in the afternoon when the seniors were
15 there.

16 Q Why was that?

17 A That's what Victoria Dinielli
18 told me to do.

19 Q Did she tell you why?

20 A I do believe she said something
21 to the fact that there was an altercation
22 the day before with one of the seniors and
23 I told her there wasn't an altercation.

24 Q You don't recall?

25 A I said there wasn't an

1 E. Skates

2 altercation. She said, "Okay, well there
3 was an argument." I said, "It wasn't an
4 argument."

5 Q So what happened?

6 A One of the seniors made a
7 statement to me and I made a statement to
8 the senior and that was it.

9 Q What did the senior say to you?

10 A She asked me to close the
11 window.

12 Q And what did you say?

13 A And I asked her, "Please let me
14 get some air because I'm hot. I have this
15 illness that if I don't cool down, I will
16 pass out. Could you please allow me to
17 have a little air?"

18 She said, "No, close the
19 window." And she had on a sweat suit, a
20 jacket -- a sweater and a jacket.

21 So I closed the window and I
22 walked out so I could get some air.
23 That's documented, too, medically.

24 Q Were those medical documents
25 given to Miss Dinielli?

1 E. Skates

2 A No.

3 Q After the afternoon duties in
4 the senior room were taken away from you,
5 were you given any other duties instead to
6 make up for those duties that were taken
7 away?

8 A I don't remember.

9 Q Were you ever assigned to work
10 in the exercise room?

11 A Yes, one day.

12 Q Just one day?

13 A Yes.

14 Q At some point in time did your
15 schedule change, meaning the days that you
16 worked at the rec center?

17 A Which time?

18 Q I guess we'll go with the first
19 time first, then. The answer to my
20 question is yes, it did change at some
21 point?

22 A Yes, but you asked me that
23 question already.

24 Q Okay. You had originally told
25 me that your schedule was Monday through

1 E. Skates

2 Friday, 8:30 through 4:30.

3 A Yes, but then you asked me did
4 it change again. I thought you did.

5 Q I don't recall. I may have. I
6 don't recall, but I'm going to ask you
7 again, if I did.

8 Your original schedule was
9 Monday through Friday, 8:30 a.m. to 4:30
10 p.m. At some point in time did that
11 change?

12 A Yes.

13 Q When did it change?

14 A I don't know.

15 Q Do you know what it changed to?

16 A No, I don't.

17 Q At some point in time was your
18 schedule changed to incorporate a day of
19 employment on Sunday?

20 A Yes. That was the third time.

21 Q When was the second time? You
22 don't recall what your schedule was
23 changed to the second time?

24 A The second time it was changed
25 from 9:00 to 5:00.

1 E. Skates

2 Q So it was Monday through Friday,
3 9:00 to 5:00?

4 A No. It was Tuesday to Saturday.

5 Q And then at some point -- you
6 don't recall when that was?

7 A It was in between the 8:30 to
8 4:30 and that one.

9 Q You don't recall any specific
10 month, though? Put it this way, if you
11 were transferred to the rec center in
12 April of 2013 --

13 A I think it was May.

14 Q May of 2013 you began working a
15 Tuesday to Saturday schedule?

16 A And then it changed again in
17 May.

18 Q And it changed in May to include
19 a day of work on a Sunday?

20 A Yes.

21 Q Did you ever complain about
22 having a Tuesday through Saturday
23 schedule?

24 A No.

25 Q Did you complain about having a

1 E. Skates

2 schedule that included working on Sunday?

3 A Yes.

4 Q Who did you complain to?

5 A On April 3rd, when I was
6 interviewed by Victoria Groden, she said,
7 "Your hours are going to be now 8:30 to
8 4:30, but they will be changing. I don't
9 know when they will be changing and you
10 might have to work a Sunday."

11 And I said to her, "I do not
12 work on Sundays because that's my
13 sabbath." That was on April 3rd.

14 Q My question, though, was: Did
15 you ever complain about having to work on
16 Sundays once that schedule change was
17 made?

18 A Yes.

19 Q Who did you complain to?

20 A Victoria Dinielli.

21 Q What did you say to
22 Miss Dinielli?

23 A That I don't work on my sabbath.

24 Q Ultimately, did you ever work on
25 a Sunday?

1 E. Skates

2 A No.

3 Q That was because of an agreement
4 that you had with the village?

5 A The village hall was only open
6 Monday through Friday.

7 Q I mean the ultimate outcome of
8 you never working on Sundays, that was
9 because you came to an agreement with
10 Miss Dinielli and the village; correct?

11 A You mean how I got not to work
12 on Sundays?

13 Q Yes.

14 A I called the union. I spoke
15 with the union and the union spoke on my
16 behalf and said they cannot deny me my
17 religious right.

18 Q At some point in time did you
19 have a meeting with Miss Dinielli and your
20 union rep?

21 A Yes.

22 Q When was that?

23 A I don't know. I don't remember.

24 Q Do you remember where the
25 meeting was?

1 E. Skates

2 A I think it was in Victoria's
3 office, I think.

4 Q Do you know the name of the
5 union rep who was with you?

6 A It was either Peter Rikey
7 (phonetic) Ted Fogur (phonetic) or both.

8 Q And what happened during that
9 meeting?

10 A I don't remember.

11 Q Well, what was the outcome of
12 the meeting?

13 A I got my Sundays off.

14 Q What was told to you?

15 A Oh, that in order to get my
16 Sunday off, I would have to have split
17 days off, not in concession.

18 Q And did you agree to that?

19 A No, I did not. I told the union
20 that I wanted to grieve that. I don't
21 recall exactly what happened, but I didn't
22 agree to it. It was told to me that it
23 couldn't be changed. And I think it was
24 by the union, they said that it couldn't.
25 So I didn't agree to anything.

1 E. Skates

2 And if I -- I didn't agree. I didn't
3 agree.

4 Q Did you tell them, at that
5 meeting, that you didn't agree?

6 A Yes.

7 Q What did your union rep tell
8 you?

9 A I don't remember.

10 Q Following that meeting, you were
11 granted your request not to work Sundays;
12 correct?

13 A Yes.

14 Q And then what was your schedule
15 changed to at that point?

16 A Wednesdays and Thursdays off, I
17 think it was, or Tuesdays and Thursdays.

18 Q Well, you would have had Sunday
19 off; correct?

20 A Yes.

21 Q So it was at least Sunday and
22 one other day off; right?

23 A Yeah.

24 Q Do you know what your hours were
25 at that point?

1 E. Skates

2 A No, I don't remember.

3 Q Was it 8:30 to 4:30 again?

4 A I never went back to 8:30 to
5 4:30. I don't know what the hours were
6 because my hours changed so much, too.

7 Q You don't remember exactly what
8 day you had off, but you do recall that
9 they were inconsistent days off; is that
10 right?

11 A I didn't have two consecutive
12 days off.

13 Q Were you the only employee who
14 did not have two consecutive days off?

15 A Yes.

16 Q How about Mr. Beaufort, did he
17 have two consecutive days off?

18 A I don't know anybody's schedule.
19 I can only tell you my schedule.

20 Q Then how do you know that you
21 were the only employee who did not have
22 two consistent days off?

23 A Because I felt like I was the
24 only one. And if it can be proven
25 differently, then so be it, but at that

1 E. Skates

2 time I didn't.

3 Q How about Matt Dolan, do you
4 know who Matt Dolan is?

5 A Matt Dolan is part time.

6 Q Did Mr. Dolan have two
7 consecutive days off?

8 A I don't know. Part-time workers
9 don't get the same time as full-time
10 workers.

11 Q Was Mr. Dolan always part time?

12 A Yep.

13 Q Did you ever open or close the
14 rec center?

15 A No.

16 MS. PANICO: Let's take a
17 five-minute break.

18 (A break was taken from 2:38
19 p.m. until 2:55 p.m.)

20 MS. PANICO: Can you mark these
21 as Defendant's Exhibits U and V?

22 (A fax dated 6/19/13 was hereby
23 marked as Defendant's Exhibit U for
24 identification, as of this date.)

25 (Copies of doctor's notes were

1 E. Skates

2 hereby marked as Defendant's Exhibit
3 for identification, as of this date.)

4 Q Miss Skates, did there come a
5 time in or around June of 2013 when you
6 were absent from your employment for an
7 extended period of time?

8 A I know that I was in the
9 hospital in June.

10 Q Okay. What were you in the
11 hospital for?

12 A I think it was --

13 MS. KAYANI: I'm going to object
14 to that, but you may answer. I'm not
15 sure if you have the HIPAA.

16 MS. PANICO: I have all the
17 HIPAA's.

18 MS. KAYANI: Okay. It's fine.

19 A If you could give me some dates,
20 it would help me better to understand it
21 and to answer it to the best of my
22 ability.

23 Q At some point in time in June
24 of 2013 you became hospitalized for
25 pancreatitis; is that correct?

1 E. Skates

2 A Yes, yes.

3 Q Do you recall the date that you
4 were diagnosed with the pancreatitis?

5 MS. PANICO: Withdraw that.

6 Q Do you remember the first day
7 that you went to the hospital for the
8 pancreatitis?

9 A I don't remember the first day.

10 Q Okay.

11 A I know that I went to the
12 emergency room complaining of what was
13 going on. They told me that I had blocked
14 bowels. When I went to see my doctor the
15 next day and he got the report, he was the
16 one that sent me back to the hospital
17 because, according to the report, I had
18 pancreatitis and it had nothing to do with
19 bowels. So the dates, since everything
20 ran together, I can't remember exactly how
21 to answer your question.

22 Q The ER that you went to
23 initially, what hospital was that at?

24 A I think it was South Nassau
25 Communities Hospital.

1 E. Skates

2 Q You didn't stay overnight at the
3 hospital that night?

4 A I didn't stay overnight. I was
5 there for quite some time, though.

6 Q Then the next day you went to
7 your general practitioner?

8 A According to the instructions
9 from the ER.

10 Q What was the name of the general
11 practitioner that you saw?

12 A Chandra Gupta. It was either
13 him or his son.

14 Q And then Dr. Gupta told you to
15 go back to the hospital; correct?

16 A Yes.

17 Q Did you go back to that hospital
18 the same day?

19 A Yes, I did, immediately.

20 Q What hospital did you go to?

21 A South Nassau. They told me to
22 go back. I do believe it was South
23 Nassau, so whatever ER I was in at the
24 time.

25 Q What happened after you were

1 E. Skates

2 sent back to South Nassau?

3 A I was admitted.

4 Q How long did you stay there
5 then?

6 A A week or so, more than a week.
7 I don't exactly remember how long because
8 I was under heavy morphine.

9 Q Eventually you were released
10 from South Nassau?

11 A Yes.

12 Q You don't recall that date,
13 though, or do you?

14 A No.

15 Q Once you were released from the
16 hospital, was the pancreatitis, for lack
17 of a better word, healed; had it gone
18 away; were you still receiving treatment
19 after you were released?

20 A I know the doctor gave me time
21 out. I think it was until the 19th of
22 June, I think. But in the meantime, in
23 between time, I went to see my GP and he
24 told me that I need to have more time out
25 than to June 19th. So he gave me a

1 E. Skates

2 doctor's note to put me out for another
3 additional week to heal.

4 Q So it was around a week from the
5 19th of June that the doctor's note
6 authorized you to return to work; is that
7 right?

8 A Yes. I know that it was a total
9 of two weeks. One week from one doctor
10 and one week from my GP.

11 Q I just want to back up a little
12 bit. When you initially went to the ER at
13 South Nassau on the day that they sort of
14 misdiagnosed you, if you want to call it
15 that, was that a day that you were
16 supposed to be working?

17 A I'm not sure because I don't
18 know what date it was. This was at night.
19 It was at night.

20 Q So if you had been working, you
21 would have been off from your shift
22 already?

23 A Yes.

24 Q The next day, you said that you
25 went to see Dr. Gupta; was that a day that

1 E. Skates

2 you were supposed to be working?

3 A I'm not sure.

4 Q Do you recall whether or not you
5 called in sick to work that day?

6 A I'm not sure.

7 Q Dr. Gupta then sent you to the
8 hospital and you were then hospitalized
9 for about a week. At any point when you
10 were hospitalized for the one week with
11 the pancreatitis, did you call in to work
12 and notify them that you were out, that
13 you were going to be out?

14 A Yes.

15 Q When did you do that?

16 A After I was admitted to a room,
17 which was, I think I was admitted like 1
18 or 2:00 in the morning. When it came the
19 following morning, I called and told them
20 that I was in the hospital. Either I
21 called or my daughter called, but I know
22 somebody called.

23 Q Did you call from the hospital
24 phone; did you or your daughter call from
25 the hospital phone?

1 E. Skates

2 A I think I called and I think I
3 called from my cell, because I couldn't
4 afford the hospital phone. I think that's
5 how that went down.

6 Q What service provider do you use
7 for your cell phone at that time?

8 A Verizon.

9 Q What is your cell phone number?

10 MS. KAYANI: Objection, but you
11 may answer.

12 A I'm not too willing to give you
13 my cell phone number.

14 Q It's not for my own personal
15 use, believe me. I need it for purposes
16 of this case, in case we need pursue and
17 obtain your cell phone records.

18 MS. KAYANI: In the event you
19 need that, we'll provide you.

20 MS. PANICO: I know you haven't
21 been involved in this lawsuit before.
22 I have requested them in our document
23 demands. They weren't produced.

24 Miss Skates previously indicated
25 that she does have possession of the

1 E. Skates

2 cell phone records. She stated during
3 her 50(h) examination, but they
4 weren't produced. So at this point
5 I'm left with no choice but to
6 subpoena them.

7 MS. KAYANI: I understand. Can
8 you take it under advisement and I
9 will consult with Mr. Henry and then
10 provide the documents?

11 THE WITNESS: He has them.

12 MS. PANICO: The cell phone
13 records?

14 THE WITNESS: Yes.

15 MS. KAYANI: I'll take it under
16 advisement and I'll make a note to
17 provide that to your office.

18 Just to clarify, do you know
19 what date of the hospitalization we
20 are talking about?

21 MS. PANICO: I don't know for
22 sure.

23 MS. KAYANI: We'll discuss it.

24 Q When you called and spoke to --
25 or when you called in sick to work, do you

1 E. Skates

2 remember who you spoke to?

3 A I don't know her name, but she
4 was presented to me as being one of the
5 supervisors like John Henry, so I told
6 her. Later, I found out that she didn't
7 tell Victoria that I called.

8 Q How did you find that out?

9 A Vicky Groden told me.

10 Q How would Vicky Groden know?

11 A Vicky Groden knew everything.
12 Vicky Groden was in that office more so
13 than she was doing work.

14 Q Did you ever speak to
15 Miss Dinielli and tell her that you had,
16 in fact, called?

17 A Yes, I did. And I gave -- okay.
18 I'm assuming that the message was given,
19 but to cover myself and according to the
20 Collective Bargaining Agreement, that if
21 you're out more than two days, or
22 something like that, you have to bring in
23 a doctor's note. So I think I faxed Vicky
24 the doctor's notes after I came home from
25 the hospital.

1 E. Skates

2 Q Okay.

3 A So I did make acknowledgment of
4 that fact.

5 Q So you provided medical
6 documentation after you returned -- after
7 you were released from the hospital?

8 A Right.

9 Q Was that at the request of
10 Miss Dinielli?

11 A No.

12 Q Pursuant to the policy at the
13 recreation center, if you're going to call
14 in sick to work, do you know at what time
15 you're supposed to call in?

16 A I would call in at 6 because
17 that's the time that the rec center
18 opened. I would call in at 6. Sometimes
19 I was a little late in calling in due to
20 the medications. When the medication wore
21 off and I woke up and it would be like
22 maybe 8, at the latest, I was supposed to
23 be in at 7, 8 at the latest I would be
24 calling.

25 Q So I just want to make sure I

1 E. Skates

2 understand. The medication that you're
3 referring to is like sleeping medication?

4 A I was on pain medications.

5 Q That made you drowsy, is that
6 what it was?

7 A Yes.

8 Q And does the rec center have a
9 rule or a policy that requires you to call
10 in before your shift starts?

11 A Yes.

12 Q I'm going to show you what has
13 been marked as Defendant's Exhibit U.

14 (Handing.)

15 A (Perusing.)

16 Okay.

17 Q Do you recognize this document?

18 A This was e-mailed to my phone.

19 Q This was e-mailed to your phone?

20 A To my phone.

21 Q Is this an e-mail that you sent?

22 A No, this is the e-mail that --
23 oh, it's to -- okay.

24 Q Just take a second to look at
25 it.

1 E. Skates

2 A She made the e-mail to my phone
3 while I was in the hospital. I was still
4 in the hospital.

5 Now, I had already called the
6 day before to let them know that I was in
7 the hospital and that's when the girl
8 didn't tell her that I called. So when
9 she e-mailed me this, I called her and I
10 told her I was in the hospital. When I
11 returned -- when I'm discharged, I will
12 send documentation of my hospital stay and
13 the doctor's notes.

14 Q How did you receive that e-mail
15 from her?

16 A On my phone.

17 Q And you received it on or about
18 June 10, 2013?

19 A I guess so.

20 Q After you received
21 Miss Dinielli's e-mail, you made a phone
22 call to her; is that correct?

23 A I think so. I think that's what
24 happened.

25 Q Again, did you call her from

1 E. Skates

2 your cell phone or from somebody else's
3 phone?

4 A You know, I'm really -- I'm
5 really not sure now. I know that I got
6 the e-mail. I think I called -- I know
7 that I acknowledged this because the
8 e-mail came on my phone, so I must have
9 called on my phone the same day that I
10 received the e-mail.

11 Q But do you recall making that
12 phone call or are you just assuming that
13 you did?

14 A I made the phone call. I had to
15 make the phone call, because I was very
16 shocked that she was sending me this
17 e-mail anyway when I had already notified
18 the facility that I was in the hospital.

19 Q It says on here, "Faxed June 19,
20 2013." Did you write that there?

21 A Yes.

22 Q And did you, in fact, fax this
23 to Miss Dinielli?

24 A Yes.

25 Q And what fax machine did you use

1 E. Skates

2 to fax this?

3 A My own.

4 Q You have a fax machine at home?

5 A Yep.

6 Q It states in this e-mail, "In
7 response to your e-mail that was sent to
8 me on or about June 10, 2013 while I was
9 in the hospital regarding my excessive
10 absences, please see attached doctor's
11 notes excusing my absence."

12 Do you know what she was
13 referring to there when she said
14 "excessive absences"?

15 A No, but I just thought because I
16 was out for more than five days that that
17 was considered excess absence to her. But
18 as I said before, I was under the
19 impression that she had received my call
20 stating that I was in the hospital.

21 Q Were you out of work any time
22 preceding the pancreatitis in the month of
23 June of 2013?

24 A I don't remember.

25 Q I'm not sure if my question is

1 E. Skates

2 clear, so I'm just going to rephrase it.

3 You were hospitalized and out of
4 work in June of 2013 because of the
5 pancreatitis. Were you also out of work
6 in June of 2013 before the pancreatitis
7 for any other reason?

8 A I don't remember.

9 Q So when she is referring to, or
10 I guess you're writing to her saying that
11 you had excessive absences --

12 A That's what her e-mail said.

13 Q That you had excessive absences?

14 A Yes.

15 Q Were those absences exclusively
16 pertaining to the pancreatitis?

17 A I do believe so. I'm not sure,
18 but I'm sure that that was it, because I
19 was in the hospital for over maybe five
20 days.

21 Q This period of time when you
22 had these absences relating to the
23 pancreatitis, did you have leave available
24 to you at the village?

25 A Yes, I do believe I did.

1 E. Skates

2 Q You know what I mean by that?
3 That you had either sick time, vacation
4 time.

5 A I do believe I did.

6 Q And I just want to go through
7 with you real quick the different types of
8 leave that you had at the village. You
9 did have sick time; correct?

10 A Yes.

11 Q How much sick time did you get
12 each year?

13 A You get three-fourths of a day a
14 month.

15 Q And that accumulates and rolls
16 over?

17 A Yes.

18 Q How much personal time did you
19 get at the rec center?

20 A The village personal time, I do
21 believe, is three days. I think it's
22 three days.

23 Q Three days per year?

24 A Yes.

25 Q And how much vacation time do

1 E. Skates

2 you get at the rec center?

3 A The village -- working for the
4 village, the Collective Bargaining
5 Agreement, the first six months you get
6 five days and then the next six months you
7 get five days. So you would get like 10
8 days within the year.

9 Q And you could also earn --

10 A Until your anniversary date,
11 then you get 10 more days.

12 Q And you could also earn
13 compensatory time; correct?

14 A From what I was told, that's up
15 to the discretion of the department head.

16 Q But that was available,
17 compensatory time?

18 A Yes.

19 Q Did you earn any compensatory
20 time while you were at the rec center?

21 A I earned compensatory time when
22 I worked at the assessor's office in the
23 Village of Freeport.

24 Q What about at the rec center?

25 A No.

1 E. Skates

2 Q Do you recall, when you came
3 over from the assessor's office, how much
4 vacation time you came with?

5 A I think it was 10 days, I think,
6 5 or 10 days.

7 Q And do you recall how much sick
8 time you came with?

9 A No.

10 Q Do you recall how much
11 compensatory time you came with?

12 A I think I had 36 hours. I think
13 it was 32 or 36 hours.

14 Q Do you recall how much
15 compensatory time you came with?

16 A Sorry, what was the question
17 before?

18 Q You're right. How much personal
19 time did you come with?

20 A I'm not sure.

21 Q And annexed to this fax, you
22 included doctor's notes; is that correct?

23 A Yes.

24 Q I'm going to show you what has
25 been marked as Exhibit V, which are

1 E. Skates

2 doctor's notes.

3 (Handing.)

4 A (Perusing.)

5 Q Miss Skates, have you had a
6 chance to look at Defendant's Exhibit V?

7 A Yes.

8 Q Do you recognize this document?

9 A Yes.

10 Q Are these the medical notes that
11 you submitted in connection with
12 Defendant's Exhibit U?

13 A I do believe so.

14 Q The first doctor's note here
15 appears to be dated May 29, 2013; is that
16 right?

17 A Yes.

18 Q It says, "Please excuse Earline
19 Skates from work today and on 5/31/13 for
20 doctor's appointment and testing."

21 Do you remember what that
22 doctor's appointment and that testing was
23 for?

24 A It was to find out why I was
25 having these chest pains, so I went to a

1 E. Skates

2 cardiologist.

3 Q So that was not related to the
4 pancreatitis?

5 A No.

6 Q On that day, May 29, 2013, did
7 you call in to work on that day to let
8 anybody know that you weren't going to be
9 coming into work?

10 A I think this was the day that I
11 left the rec center with chest pains and I
12 went to my doctor. I didn't go home as
13 Miss Dinielli stated in her deposition. I
14 went to my doctor, and he was the one that
15 said to excuse me for the day and on the
16 31st when I went to have the testing done.

17 Q So is your answer that you
18 didn't call in to work that day because
19 you had already been at work that day?

20 A Yes.

21 Q The second note here appears to
22 be -- can you read the name of the doctor
23 at the top there, do you know who that is?

24 A This was the doctor from South
25 Nassau Communities Hospital. He was the

1 E. Skates

2 gastrointestinal doctor that was on call
3 to administer medication and whatnot for
4 me and did all my testing and whatnot.

5 Q And this second doctor's note,
6 which is at the upper right-hand corner,
7 this was referring to the pancreatitis?

8 A The one you just asked me about,
9 the name?

10 Q Yes.

11 A Yes.

12 Q And in that note, that doctor
13 had indicated that you could return to
14 work on June 19, 2013.

15 A Right. But if you go down here,
16 the same day I went to see my GP and he
17 put me out for another week.

18 Q You're referring to --

19 A Dr. Gupta.

20 Q The doctor's note on the bottom
21 of that page?

22 A Yes, yes.

23 Q How do you know that he put you
24 out for another week?

25 A Because he told me. I went to

1 E. Skates

2 see him.

3 Q Does it say so in this note?

4 A Yes.

5 Q So a week from June 17, 2013 --

6 A No, a week from June 19th.

7 Q The note is dated June 17, 2013;
8 correct?

9 A Right.

10 Q And can you just read the note
11 for me, then?

12 A I went to my doctor the same day
13 I was discharged from the hospital.

14 Q Which was June 17, 2013?

15 A Yes. So he was putting me out
16 another week from the 19th.

17 Q You said you were released on
18 June 17, 2013; correct?

19 A And this doctor's note says that
20 I could return on the 19th (indicating).

21 I went to see my doctor. He
22 examined me and he says you need to stay
23 out another week.

24 Q Okay. Another week from June
25 17, 2013?

1 E. Skates

2 A From June 19th.

3 Q Where does it say that in the
4 note?

5 A Okay. So do you want me to have
6 him rectify that?

7 Q I'm just asking what it says in
8 the note because this is what you
9 submitted to Miss Dinielli. Can you read
10 for me what it says?

11 A For one week, and I think that
12 says "additional."

13 Q So, in any event, it would have
14 either required you to return to work on
15 either June 24th of 2013 or June 26th of
16 2013; correct?

17 A Okay. And the 26th was what
18 day?

19 Q It was a Wednesday?

20 A On my day off.

21 Q Did you return to work on June
22 27th?

23 A Which was?

24 Q A Thursday.

25 A No, because I think June 27th I

1 E. Skates

2 was admitted to another hospital.

3 Q The second doctor's note that
4 you submitted dated June 17, 2013, that
5 was submitted to Miss Dinielli as well?

6 A Yes.

7 Q What did you go to the hospital
8 for on June 27, 2013, or on or about that
9 date?

10 A Okay. On the 26th, I think it
11 was the 26th -- can I have a calendar?

12 Q I can print out one if that will
13 help.

14 MS. PANICO: Can we go off the
15 record?

16 (A break was taken from
17 3:25 p.m. until 3:30 p.m.)

18 MS. PANICO: Can we have the
19 question read back?

20 Can you mark this as Exhibit W?

21 (Copy of June and July calendar
22 for 2013 was hereby marked as
23 Defendant's Exhibit W for
24 identification, as of this date.)

25 (The requested portion of the

1 E. Skates

2 record was read.)

3 A What did I go to the hospital on
4 the 27th for?

5 Q Yes. Why did you go to the
6 hospital?

7 A Because on the 26th I was -- I
8 had an appointment with Catholic Charities
9 Mental Health and while we were sitting
10 there talking, she was going through the
11 same thing that she went through two weeks
12 prior when I was promised on that day that
13 I would have a therapist. So I just made
14 a comment. I said, "You know what? I
15 could get faster work -- a faster
16 therapist if I ran into a tree."

17 The next thing I knew, the cops
18 were there and they took me to Nassau
19 County Medical Center and I stayed there
20 until, I think it was either July 5th or
21 July 7th.

22 Q This incident that occurred at
23 Catholic Charities, were you yelling at
24 this person from Catholic Charities?

25 A No.

1 E. Skates

2 Q Did you raise your voice at all?

3 A No.

4 Q Were you angry at that point?

5 A I was disappointed.

6 Q So you were taken by police or
7 by ambulance to the hospital?

8 A Well, the police escorted me to
9 the ambulance.

10 Q And what hospital did you go to
11 then?

12 A Nassau County Medical Center.
13 What is it called? University something,
14 something now.

15 Q And this occurred on June 26th,
16 which was a Wednesday?

17 A Yes.

18 Q Now, because it was a Wednesday,
19 you did not have to work that day;
20 correct?

21 A Correct.

22 Q At any point on June 26th, did
23 you call and notify the rec center that
24 you wouldn't be appearing the next day for
25 work?

1 E. Skates

2 A On the 26th?

3 Q Yes.

4 A No.

5 Q Did you call on the 27th?

6 A My daughter was supposed to call
7 on the 27th. I had asked her, when she
8 came to the emergency room, to please
9 contact the job.

10 She was going through some
11 medical difficulties with her. She was
12 losing the sight in her eye and was in the
13 mix of a sickle cell crisis.

14 So when I saw her again, I think
15 it was on the 29th or the 30th, I asked
16 her if she had called and she said no, she
17 forgot. I said, "Please call."

18 Q At that point, on the 29th or
19 the 30th, when you asked your daughter to
20 call for a second time that you asked her
21 to call, do you know whether or not she
22 called then?

23 A I didn't know she didn't call
24 until they fired me on October the 21st,
25 22nd, 23rd. 23rd, that's when I found out

1 E. Skates

2 that she hadn't called.

3 Q After you asked her to make that
4 phone call, you asked her for the second
5 time at that point, did you ever follow up
6 with her to find out whether or not she
7 called?

8 A No, because she told me she was
9 going to call. No, I did not follow up.
10 No, I did not do that because I just
11 thought that she did.

12 Q I know that you said that. I
13 believe you said maybe for mental health
14 reasons that you went to the hospital that
15 time or that the Catholic Charities had
16 called and basically had you admitted
17 there. Is there any reason why you stayed
18 there so long once they admitted you?

19 A You have to stay at least seven
20 days and since it was on a Thursday, which
21 was close to the weekend, the weekend
22 doctors and whatnot were not on, they
23 didn't come in until Monday. So my seven
24 days started -- I didn't see any doctors
25 or any groups of doctors until the 2nd.

1 E. Skates

2 And then I saw another group of doctors on
3 the 3rd. Then -- oh, wait. Oh, this is
4 July, okay.

5 And then I didn't see any more
6 doctors again until after the 4th because
7 the 4th was a holiday. I saw them on a
8 Friday. And I think I was discharged on
9 July 7th because they didn't find any
10 reason to keep me there and there was no
11 reason for me to be brought there.

12 Q Did any other doctors who
13 treated you find that you were suffering
14 from any mental health condition?

15 A They said that I was -- that I
16 had depression and anxiety.

17 Q Did you agree with that
18 diagnosis?

19 A Well, I don't know. I know I
20 was depressed. I didn't know anything
21 about anxiety before. I never had anxiety
22 before.

23 Q Were you prescribed any medical,
24 any treatment?

25 A Yes, I was, through Catholic

1 E. Skates

2 Charities.

3 Q What were you prescribed?

4 A Zoloft, but I forgot the
5 milligrams.

6 Q What is Zoloft for?

7 A Anxiety.

8 Q Any other medication that you
9 were prescribed?

10 A By whom?

11 Q While you were at the hospital.

12 A The hospital didn't -- which
13 hospital?

14 Q Nassau County Medical Center
15 related to the mental health condition.

16 A They didn't prescribe anything
17 for me.

18 Q After they released you, did
19 they give you any sort of course of
20 treatment that they recommended?

21 A That I was to continue with
22 Catholic Charities.

23 Q For therapy?

24 A Yes.

25 Q And did you do that?

1 E. Skates

2 A Yes.

3 Q Did you provide any medical
4 documentation to the village or to the
5 rec center indicating why you were absent
6 from on or about June 27th through
7 approximately July 7th, I believe you
8 said?

9 A Yes, I did.

10 Q Did you provide medical
11 documentation?

12 A Yes, I did.

13 Q What form of medical
14 documentation did you provide?

15 A The hospital admit and release
16 form date.

17 MS. PANICO: I'll have this
18 marked as Exhibit X, a copy of a
19 discharge notice.

20 (Copy of discharge notice was
21 hereby marked as Defendant's Exhibit
22 for identification, as of this date.)

23 Q (Hanging.)

24 A (Perusing.)

25 This is saying that I was

1 E. Skates

2 discharged --

3 Q There's no pending question.

4 A I'm talking to myself. Okay.

5 Go ahead.

6 Q Miss Skates, have you had a
7 chance to review Defendant's Exhibit X?

8 A Yes.

9 Q Do you recognize this document?

10 A Some of it.

11 Q What do you recognize it to be?

12 A Discharge from Nassau County
13 University Medical Center.

14 Q A moment ago I had asked you if
15 you provided medical documentation
16 explaining why you were out from June
17 26th, until you were released from the
18 hospital, which you estimated to be around
19 July 7th, and I believe you stated that
20 you did provide medical documentation.

21 Is Defendant's Exhibit X the
22 medical documentation that you were
23 referring to that you provided?

24 A I'm not sure.

25 Q Okay. Defendant's Exhibit X,

1 E. Skates

2 do you remember providing this to the
3 defendant, the village or the rec center?

4 A I'm not sure.

5 Q The handwriting that's on here,
6 is this yours?

7 A No.

8 Q Do you know whose handwriting it
9 is?

10 A No, I don't.

11 Q On Defendant's Exhibit X, it
12 indicates that you were ready for
13 discharge from the hospital on July 1st of
14 2013; correct?

15 A No.

16 Q That's not what the document
17 indicates?

18 A That's not what -- that's not
19 what happened.

20 Q That's what the document
21 indicates; correct?

22 A That's not what happened,
23 because I was in the hospital on the 4th
24 of July. I saw the fireworks.

25 Q Okay. I'm just asking whether

1 E. Skates

2 or not that document indicates that you
3 were released on July 1st.

4 A There's some scribbles on here.
5 I have to check my documentation because I
6 don't believe -- I'm not too sure of this
7 right here (indicating).

8 Q Okay. Is it possible that you
9 were released from the hospital on July
10 1st and then re-admitted?

11 A No.

12 Q Do you recall when you returned
13 to work following your hospitalization at
14 the end of June 2013?

15 A No.

16 Q During the period of time that
17 you were out for the pancreatitis and the
18 hospitalization regarding the mental
19 health condition, during that period of
20 time did you ever return to work, was
21 there any period or any day in that span
22 when did you appear for work?

23 A I'm not sure.

24 Q During or as a result of the
25 pancreatitis --

1 E. Skates

2 MS. PANICO: Withdrawn.

3 Q I believe you testified already
4 that you did not run out of leave time
5 because of the pancreatitis; is that
6 correct?

7 A I do believe so.

8 Q Did you run out of leave time
9 because of the hospitalization for a
10 mental health condition?

11 A Yes, I do believe so.

12 Q You ran out of sick time?

13 A I think I ran out of all of my
14 time, I do believe so.

15 MS. PANICO: I'm going to mark
16 as Defendant's Exhibit Y a letter
17 dated July 3, 2013 from Victoria
18 Dinielli to Miss Skates.

19 (A letter dated July 3, 2013
20 from Victoria Dinielli to Miss Skates
21 was hereby marked as Defendant's
22 Exhibit Y for identification, as of
23 this date.)

24 Q (Hanging.)

25 A (Perusing.)

1 E. Skates

2 I would like to go back on
3 something.

4 Q On your prior testimony, you
5 mean?

6 A Yes.

7 Q Is there prior testimony that
8 you want to correct?

9 A Yes. Can we go back?

10 Q Sure.

11 A This right here (indicating) --

12 Q Defendant's Exhibit X?

13 A Yes.

14 Q The Notice of Discharge.

15 A Yes.

16 Q Okay.

17 A All right. It says July 1st. I
18 was released on a Monday. I had Tuesdays
19 and Sundays off. So July 2nd I was off.
20 July 3rd -- and July 3rd. I have to
21 remember because I have to remember when
22 the split days came in and I'm not sure.
23 Because at one time I was off Mondays and
24 Tuesdays. One time I was off Saturdays
25 and Sundays. So I don't know which time,

1 E. Skates

2 but I know that -- I'm not sure.

3 So this is correct (indicating),
4 July 1st.

5 Q You're referring to Defendant's
6 Exhibit X?

7 A Yes. That, I think is correct.

8 Q Does that refresh your
9 recollection as to whether or not --

10 A Wait. I'm thinking. I'm
11 thinking, please. So I was off on Sundays
12 because she doesn't have the 23rd down
13 here.

14 MS. PANICO: Should we go off
15 the record and take a break for a
16 minute?

17 MS. KAYANI: Sure.

18 (A break was taken from 3:49
19 p.m. to 3:53 p.m.)

20 Q Miss Skates, is there a prior
21 testimony that you want to correct after
22 reviewing Defendant's Exhibit Y?

23 A Yes.

24 Q What was that?

25 A What was the question?

1 E. Skates

2 Q What prior testimony did you
3 want to correct?

4 A Oh, that I am sure of this now
5 (indicating).

6 Q That Exhibit X, you're sure that
7 you were released on July 1st?

8 A Yes.

9 Q Are you sure now that
10 Defendant's Exhibit X is something that
11 you had submitted to the village?

12 A Yes. I'm sorry, you know.

13 Q That's okay.

14 A It's been a while. I don't want
15 you to call me a liar again.

16 Q You were released from the
17 hospital on July 1, 2013.

18 A Which was a Monday.

19 Q When did you return to work
20 after that, do you recall?

21 A I thought we were talking about
22 this (indicating).

23 Q I was, but now you brought up a
24 new subject so I just wanted to explore
25 that a little more.

1 E. Skates

2 A I don't know when I returned.

3 Q Okay. So turning our attention
4 back to Defendant's Exhibit Y, do you
5 recognize Defendant's Exhibit Y?

6 A Yes.

7 Q And what do you recognize it to
8 be?

9 A A letter to me saying that I
10 needed to report to work by June 7th.
11 June 7th? That's what that says.

12 Q Read the sentence again.

13 A "You're hereby directed to
14 report to work Monday July 8." Yeah.
15 Okay.

16 Q Did you receive this letter on
17 or about July 3, 2013?

18 A I don't remember when I received
19 it.

20 Q Do you remember how you received
21 it?

22 A It came to my house by mail.

23 Q As of this date, on July 3,
24 2013, by that date had you notified the
25 village or Miss Dinielli as to why you

1 E. Skates

2 were absent?

3 A Well, first of all, July 3rd was
4 my day off. My days off then was Sundays
5 and Wednesdays.

6 Q Okay. But my question was, up
7 until this point, July 3, 2013, you
8 indicated that you had authorization from
9 your doctor to be out until around June
10 24th or June 26th and then you indicated
11 that you did not call in to the village
12 after you were hospitalized for the mental
13 health condition, you were then released
14 from the hospital on July 1st.

15 My question is: After you were
16 released from the hospital on July 1st,
17 did you then call in sick to work or call
18 in to work and let them know where you had
19 been?

20 A This was -- yes.

21 Q Okay. When?

22 A On the 2nd.

23 Q July 2nd you called?

24 A Yes.

25 Q Who did you call?

1 E. Skates

2 A The village, the rec center.

3 Q Who specifically?

4 A I called the rec center number.

5 Q Do you remember who you spoke
6 to?

7 A The same lady that didn't give
8 my first message that I was in the
9 hospital to.

10 Q You don't recall her name?

11 A It's a Scandinavian-type name
12 and I don't know.

13 Q What did you tell her?

14 A That I was released from the
15 hospital yesterday, Wednesday is my day
16 off and I will be in to work on Thursday.
17 I used my house phone.

18 Q And what service do you use at
19 your house phone?

20 A Verizon.

21 MS. PANICO: I'm also going to
22 request that you provide me with your
23 house number as well.

24 A I think I gave that information
25 to, to Mr. Henry.

1 E. Skates

2 Q The telephone records?

3 A Yes.

4 Q Which would indicate what phone
5 calls were made?

6 A Yes.

7 MS. PANICO: Again, I'm going to
8 call for production of those phone
9 records as well. And I'm also going
10 to ask that you provide me with that
11 tell phone number. Can you do it
12 right now?

13 MS. KAYANI: I'm going to
14 object. We'll just provide that with
15 the home phone record.

16 MS. PANICO: I'm just going to
17 request that the telephone number be
18 provided just because the telephone
19 records haven't been provided to date,
20 and in the event that they are not
21 provided, we will need to subpoena
22 them.

23 MS. KAYANI: Can you leave a
24 blank? We'll take that under
25 advisement.

1 E. Skates

2 MS. PANICO: We can. I'm just
3 going to add it to the list of things
4 in case we need to contact the court.

5 (Insert) _____

6 A When I received this...

7 Q There's no pending question.

8 A I know, that's why I stopped.

9 Q When you called on July 2nd, do
10 you remember what time of day you called?

11 A No. I'm sorry. I take that
12 back. I spoke to Victoria Dinielli on
13 this.

14 Q After July 3rd?

15 A Yes. And I told her that I
16 would be returning to work on the 8th.

17 Q If you were released from the
18 hospital on July 1st, is there any reason
19 why you couldn't return to work before
20 July 8th?

21 A I wasn't feeling it. I did not
22 want to go back. I finally got myself
23 sort of centered and then I didn't want to
24 go back into the depressed, hostile work
25 environment that I was in. I didn't feel

1 E. Skates

2 I was ready to go back.

3 Q Did you have any medical note
4 stating that you can't return to work
5 between July 2nd and July 8th?

6 A No, no, I don't think so. I
7 don't think so. I might. I don't know.
8 Do you have one? I'm sorry.

9 Q This letter from Miss Dinielli,
10 Defendant's Exhibit Y, did you receive
11 this on or about July 3, 2013?

12 A I don't know when it was, but I
13 know that on here, July 3rd, 7/3, should
14 be taken off because that was my day off.

15 Q It was just the date that she
16 mailed it to you, right?

17 A No, it's right down here, the
18 dates that said those are the dates I was
19 out.

20 Q July 3rd was a Wednesday, okay.
21 It states on here, "Additionally, you
22 failed to call in and speak to a
23 supervisor on 6/20."

24 Did you call in on that day?

25 A I'm not sure. I called every

1 E. Skates

2 time I was in the hospital and every time
3 I was out. That's the only thing I can
4 tell you.

5 Q But you already testified that
6 you did not call in when you were
7 hospitalized on July 26th; right?

8 A When I was at Nassau County
9 Medical Center, exactly. But prior to
10 that, every time that I was out sick or in
11 the hospital, I did call.

12 Q Do you recall specifically
13 whether you called on June 20th?

14 A I don't remember.

15 Q Do you recall whether you called
16 on the 21st?

17 A I don't remember.

18 Q Do you recall whether or not you
19 called on June 22nd?

20 A All of these dates except for
21 the 3rd, I do not remember because the 3rd
22 I was off.

23 Q The letter says that you were
24 hereby directed to return to work on
25 July 8, 2013. Did you return to work on

1 E. Skates

2 that day?

3 A Yes, I did.

4 Q It also states, in the second
5 sentence of that exhibit, "Your accrued
6 time as an employee of the Village of
7 Freeport was depleted on June 20, 2013";
8 is that accurate?

9 A On June 19th? What was the
10 question?

11 Q The letter states that your
12 accrued time with the village was depleted
13 on June 20, 2013. I'm just asking whether
14 or not if you know that that's accurate.

15 A I don't know.

16 Q Was there any time that you
17 called in to work that was from a number
18 other than from your home phone or your
19 cell phone?

20 A I don't know. I don't remember.

21 Q Did you ever use a hospital
22 phone to call in to work?

23 A I don't think so.

24 Q Do you remember ever using your
25 daughter's cell phone to call in to work?

1 E. Skates

2 A I don't think so.

3 Q Is there any other number that
4 you would have used to call in sick to
5 work?

6 A I don't think so.

7 Q At some point in time were you
8 suspended for failing to call in to work?

9 A I don't know how to answer that
10 question because the reason of the
11 suspension was not that I didn't call in
12 but that I didn't call in from the
13 hospital every day.

14 Q Okay. My question, though, was
15 whether or not you were ever suspended for
16 failing to call in to work. So it's
17 either a yes or no answer.

18 A Yes.

19 MS. PANICO: I'm going to show
20 you what I'm going to mark as Z.

21 (Notice of Disciplinary Charges
22 was hereby marked as Defendant's
23 Exhibit Z for identification, as of
24 this date.)

25 Q (Hanging.)

1 E. Skates

2 A (Perusing.)

3 MS. KAYANI: Can we take a few
4 minutes?

5 MS. PANICO: Sure.

6 (A break was taken at 4:05 p.m.
7 until 4:12 p.m.)

8 Q Miss Skates, have you had a
9 chance to review Defendant's Exhibit Z?

10 A Yes.

11 Q Do you recognize this document?

12 A Yes.

13 Q Toward the bottom, it says "Part
14 3, employees signature"; is that your
15 signature there?

16 A Yes.

17 Q Did you, in fact, receive a
18 two-day suspension?

19 A Yes.

20 Q Did you grieve this suspension?

21 A I don't know how to answer that
22 because this was not the original time
23 suspension.

24 Q What do you mean by that?

25 A The union got it from five days

1 E. Skates

2 to two days.

3 Q Okay. So this was sort of,
4 you're referring to Exhibit Z like a
5 modified suspension?

6 A Yes.

7 Q Initially, the suspension was
8 for five days?

9 A Yes.

10 Q So you did go to your union in
11 regard to the suspension?

12 A Yes.

13 Q And a lesser suspension was
14 negotiated for you?

15 A Yes.

16 Q And that's what we are looking
17 at as Defendant's Exhibit Z; correct?

18 A Yes.

19 MS. KAYANI: Can we go off the
20 record?

21 (A break was taken from 4:14
22 p.m. until 4:17 p.m.)

23 Q Miss Skates, following your
24 suspension in June of 2013, did you
25 receive another warning subsequent to that

1 E. Skates

2 indicating that your request for time off
3 had to be made in advance of the time that
4 you were taking off?

5 A What?

6 Q I'll rephrase it. After the
7 suspension you received in July of 2013
8 that we just went through, did you receive
9 another warning subsequent to that telling
10 you that you need to request time off
11 before your shift starts?

12 A I don't remember.

13 Q Okay. I'm going to show you
14 another exhibit, then. We'll mark it as
15 Defendant's Exhibit AA and it's a memo
16 from Victoria Dinielli dated July 16,
17 2013.

18 (Memo from Victoria Dinielli,
19 dated July 16, 2013, was hereby
20 marked as Defendant's Exhibit AA for
21 identification, as of this date.)

22 Q (Hanging.)

23 A (Perusing.)

24 Q Miss Skates, do you recognize
25 Defendant's Exhibit A?

1 E. Skates

2 A Yeah.

3 Q What do you recognize it to be?

4 A A letter to me from Vicky, cc'd
5 Conor, where I requested time to go to a
6 court appearance, which I got the date
7 confused, it wasn't the 15th, it was the
8 16th, and that if I wanted to have any
9 more time off, that I have to ask in
10 advance.

11 Q Do you recall receiving this on
12 or about July 16, 2013?

13 A Whenever.

14 Q This incident in regards to the
15 court appearance, it indicates that on
16 July 15th you asked John Henry to leave
17 work early for a court appearance. Do you
18 recall that occurring?

19 A Yes.

20 Q Did you notify Mr. Henry in
21 advance or notify any of your supervisors
22 in advance on July 15th that you would
23 need time off on July 15th to appear in
24 court?

25 A No, because I forgot.

1 E. Skates

2 Q What court appearance did you
3 need to attend on July 15, 2016?

4 A Mark Davella.

5 Q In September of 2013, did you
6 have any unauthorized absences in
7 September of 2013?

8 A No.

9 Q Do you recall whether or not you
10 were absent from work on September 21,
11 2013?

12 A Yes.

13 Q Why were you absent on that day?

14 A I forgot. I forgot what it was
15 about, but I had requested that time in
16 advance with Victoria Dinielli and she
17 granted it to me, but she said she
18 couldn't pay me. I wasn't asking for the
19 pay, I just needed the day off. It was
20 some personal reason that I had to take
21 care of.

22 Q Did you make that request in
23 writing for her for the time off?

24 A I sat down with her. Because
25 they weren't giving out any more slips.

1 E. Skates

2 So I sat down with her and I think it was
3 -- what's the gentleman's name that I said
4 that he works part time, Matt?

5 Q Dolan.

6 A Yes.

7 Matt Dolan and myself. Because
8 he was the supervisor on duty the day. It
9 was either two or three days before I
10 asked. So I asked him to come in with me
11 because I would never go into her office
12 alone after that fraudulent letter about
13 me threatening her life.

14 Q Okay. For the sake of trying to
15 move the deposition along, I'm just going
16 to ask that you answer the question that
17 I'm asking you; okay?

18 So my question was whether or
19 not you submitted the request to
20 Miss Dinielli on September 21, 2013,
21 whether you submitted that request in
22 writing?

23 A No.

24 Q It was an oral conversation?

25 A Yes.

1 E. Skates

2 Q And you did that before
3 September 21, 2013?

4 A Yes.

5 Q How about on September 23, 2013,
6 were you absent on that day?

7 A Yes.

8 Q What were you absent for on that
9 day?

10 A Another personal matter.

11 Q Did you request off before your
12 scheduled appearance?

13 A Yes.

14 Q And who did you make that
15 request to?

16 A Victoria Dinielli.

17 Q Did you make that request in
18 writing?

19 A No.

20 Q That was an oral request?

21 A Yes.

22 Q Did you have to fill out a leave
23 form?

24 A No.

25 Q Did you fill out a leave form?

1 E. Skates

2 A No.

3 Q And you made that request for
4 the start of your shift?

5 A I made that request two days
6 before the 23rd.

7 Q Again, that was an unauthorized
8 leave of absence, that you had no vacation
9 time at that point; right?

10 A Exactly.

11 Q Or no leave?

12 A I had no paid time.

13 Q Okay. How about on September
14 27, 2013, were you absent on that day?

15 A I don't remember.

16 Q Do you recall whether or not you
17 were absent on October 10, 2013?

18 A I don't remember.

19 Q Do you recall whether you were
20 absent on October 17, 2013?

21 A I don't remember.

22 Q Do you remember whether you were
23 absent on October 22, 2013?

24 A Yes.

25 Q What were you absent for on that

1 E. Skates

2 day?

3 A I was in the emergency room with
4 my hand.

5 Q How did you injure your hand?

6 A Cleaning the recreational center
7 parking lot that's the size of two
8 football fields.

9 Q Was it something specific that
10 you were picking up that injured your
11 hand?

12 A Yes.

13 Q What were you picking up that
14 caused the injury?

15 A The remnants of the fire
16 department having their, whatever they are
17 called, the fire festival, the day before,
18 Sunday.

19 Q But was it something specific
20 that you picked up?

21 A There was bale of hay. There
22 was chucks of wood. There was beer
23 bottles, beer cans.

24 Q Let me just stop you there
25 because what I'm referring to is one

1 E. Skates

2 specific thing. For example, you break
3 your ankle because you step in a pothole.
4 It's the pothole that caused the broken
5 ankle.

6 I'm asking, is there one
7 specific thing that caused the injury to
8 the hand or was it just the continued use
9 during that day?

10 A It was the continued use of it
11 during that day.

12 Q Did you ever have a problem with
13 your hand prior to that?

14 A No.

15 Q What was the date that this
16 injury occurred?

17 A I think it was the 22nd of
18 October, 2013.

19 Q The same day that you went to
20 the hospital?

21 A No, it was the 21st, then.

22 Q After the injury occurred --
23 MS. PANICO: Withdrawn.

24 Q Did you actually feel any pain
25 on October 21, 2013?

1 E. Skates

2 A When?

3 Q While you were cleaning the
4 parking lot.

5 A I felt a little stiffness and a
6 little pulling, but I just thought because
7 of what they gave me to pick the stuff up
8 with was very hard to use, so I just kept
9 on working. I did not want any problems.
10 I did not want...

11 Q My question, though, was whether
12 or not you were in any pain. It was
13 really just tightening of the hand at that
14 point?

15 A It was more of a tightening and
16 a pulling.

17 Q Did you feel, at that point,
18 that you had injured it?

19 A No, I didn't.

20 Q Did you finish your shift that
21 day?

22 A Yes, I did.

23 Q And did you punch out?

24 A Yes, I did.

25 Q Did you see Miss Dinielli

1 E. Skates

2 between the time that you began to feel
3 the tightening in your hand and the time
4 that you punched out?

5 A She wasn't there that day.

6 Q Did you file an incident report
7 on October 21, 2013?

8 A No.

9 Q When you left work that night or
10 that day, what did you do when you got
11 home?

12 A I went to bed.

13 Q What time was that?

14 A 7:00.

15 Q What time does your shift end?

16 A Five. I think it was 5.

17 Q Did you do anything between 5
18 p.m. and 7 p.m.?

19 A No.

20 Q What happened when you woke up
21 the next morning?

22 A Well, it wasn't the next
23 morning.

24 Q Okay. What happened then after
25 you went to bed on October 21st?

1 E. Skates

2 A It was on October 22nd.

3 Q You told me the injury happened
4 on October 21st; correct?

5 A You asked me after I woke up.
6 When I woke up, it was October 22nd.

7 Q Okay.

8 A And I woke up at 4:00 in the
9 morning.

10 Q Okay. And what happened at that
11 point?

12 A My daughter was having a sickle
13 cell crisis, so I took her to the
14 hospital.

15 Q At 4 a.m.?

16 A Yes.

17 Q And then what?

18 A As I was sitting there waiting
19 for her to be taken into the emergency
20 room, I went to pick something up, I don't
21 know what it was, and I saw my hand. And
22 I couldn't close my hand and my hand had
23 swole (sic) up to here (indicating), that
24 they had to cut one bracelet off of my
25 arm, the rest of them they could get off,

1 E. Skates

2 to attend it.

3 And at 6:00 I called in and told
4 them I was in the hospital. I spoke with
5 John Henry. He told me that I needed to
6 come to work and if I didn't come to work
7 right then and there, I was going to be
8 fired.

9 And I said as soon as I find out
10 what is wrong with my hand, I'll come in.

11 Q What was it that you were
12 picking up when you noticed that your hand
13 was swollen?

14 A My pocketbook.

15 Q How heavy is your pocketbook?

16 A It's not heavy (indicating).

17 Q That was the pocketbook?

18 A Uh-hum.

19 Q Would you say it's around
20 5 pounds?

21 A No.

22 Q Less than that?

23 A Nothing but paper in there.

24 Q You indicated that you called
25 Mr. Henry at 6 a.m.; what phone did you

1 E. Skates

2 call from?

3 A My cell, Verizon.

4 Q The same cell that we discussed
5 earlier?

6 A Yes.

7 MS. PANICO: We call for
8 production of those cell phone records
9 as well as information related to
10 Miss Skates's telephone number.

11 MS. KAYANI: We'll take that
12 under advisement.

13 Q Did you have any sort of medical
14 condition that caused your hand to swell
15 up?

16 A No.

17 Q After you noticed that your hand
18 was swollen, you admitted yourself into
19 the hospital?

20 A I admitted myself into the
21 emergency room.

22 Q You were already at the
23 hospital?

24 A I was already there, but not for
25 me.

1 E. Skates

2 Q So then you admitted yourself
3 into the hospital --

4 A No, into the emergency room.

5 Q Into the emergency room.

6 And what happened at that point?

7 A They took x-rays and whatever
8 else they did. And the doctor came back
9 and said, "You've got torn ligaments.
10 You're going to be out for work at least
11 three months. There's a possibility of
12 surgery."

13 I said, "I need a doctor's
14 note." I took the doctor's note.

15 THE WITNESS: Oh, she didn't ask
16 me that. Okay.

17 Q What hospital were you at?

18 A Winthrop.

19 Q Did the doctor tell you that
20 your hand was broken or your wrist was
21 broken?

22 A No. He said I had torn
23 ligaments all in through here
24 (indicating).

25 Q You stated that your doctor told

1 E. Skates

2 you that you would need to be out of work
3 for three months; is that right?

4 A He said at least three months.

5 Q What doctor was that?

6 A Whatever doctor was at Winthrop.

7 Q Do you recall the name of the
8 doctor?

9 A Nope.

10 Q Did you obtain a medical note
11 from that doctor?

12 A Yes.

13 Q What did that medical note say?

14 A That I would be out of work for
15 three months, at least three months, due
16 to the injury to my hand.

17 Q Do you have a copy of that
18 medical note?

19 A I don't have it now.

20 Q Did you turn it over to your
21 attorney?

22 A Yes.

23 MS. PANICO: I'm going to call
24 for production of a copy of that
25 medical note.

1 E. Skates

2 MS. KAYANI: We'll take it under
3 advisement.

4 Q Did you provide a copy of that
5 note to anybody at the rec center other --

6 A Victoria Dinielli.

7 Q When did you give her that?

8 A On the 22nd. And Matt was
9 there, too.

10 Q You had indicated that the
11 doctor suggested that you may need
12 surgery; is that right?

13 A Yes.

14 Q Did you ever actually have
15 surgery on your hand?

16 A Yes.

17 Q When was that?

18 A I think it was April 2015.

19 Q So about two years later?

20 A Excuse me?

21 Q Two years later, approximately?

22 A Yeah, something like that.

23 Q The surgery that you had, was
24 that in connection with the injury that
25 happened on October 22, 2013 or October

1 E. Skates

2 21, 2013?

3 A Yes.

4 Q Why did you wait so long to have
5 the surgery?

6 A Because my hand specialist was
7 trying to not do the surgery and he was
8 giving me alternative treatment, but it
9 wasn't working.

10 Q Who is your hand specialist?

11 A Joshua Zuckerman.

12 Q What were these alternative
13 treatment methods that you tried?

14 A Cortisone shots.

15 Q Anything else?

16 A What do you mean?

17 Q You said you tried other --

18 A That was it.

19 Q That was it. Okay.

20 How many cortisone shots did you
21 have?

22 A Whatever the limit was. I don't
23 remember. I don't know if it was two or
24 three.

25 Q At any time was your diagnosis

1 E. Skates

2 changed from torn ligaments to something
3 else?

4 A I don't know. I know I
5 developed a trigger finger along with
6 that. So that wasn't changed, it was
7 added to.

8 Q Okay. At any point in time,
9 aside from what you testified to already
10 at the hospital, did you have any other
11 MRIs or x-rays taken of your hand?

12 A Yes, yes.

13 Q When was that?

14 A I don't know.

15 Q Was it just once, more than
16 once?

17 A I think it was just once.

18 Q Do you know what the outcome of
19 that was?

20 A No, I don't because
21 Dr. Zuckerman requested it.

22 Q Did you ever ask him what the
23 outcome was?

24 A No.

25 Q Were you ever prescribed any

1 E. Skates

2 medication in connection with the hand
3 injury?

4 A I think the emergency room gave
5 me painkillers. I'm not sure.

6 Q Anything other than that?

7 A No. What do you mean? What do
8 you mean treatment? What do you mean by
9 treatment?

10 Q Medication?

11 A Just medication?

12 Q Yes.

13 A No.

14 Q Any other form of treatment?

15 A Yes.

16 Q What?

17 A Therapy.

18 Q Physical therapy?

19 A Yes.

20 Q When did you attend that?

21 A I don't know. It was 213 (sic).

22 Q 2013 until when?

23 A I don't know. Sometime in 214
24 (sic).

25 Q The beginning of 2014?

1 E. Skates

2 A I don't know. I don't know.

3 Sometime in 214 (sic). I do not know.

4 Q Do you know how often you went
5 to physical therapy?

6 A Three times a week.

7 Q Did you go to physical therapy
8 for more than six months?

9 A Yes.

10 Q Where did you go to physical
11 therapy?

12 A Hand In Hand.

13 Q Where is that?

14 A Westbury.

15 Q Did physical therapy help?

16 A Not really.

17 Q Why did you stop?

18 A Because I couldn't afford it
19 anymore.

20 Q How much did it cost?

21 A I don't know how much it cost.
22 I know how much I had to pay.

23 Q How much did you pay?

24 A I had to pay \$20 a day.

25 Q \$20 each time you went?

1 E. Skates

2 A \$20 a day.

3 Q Even if you weren't appearing
4 that day?

5 A Every time I went, I paid \$20,
6 and I went three times a week.

7 Q So three times a week you paid
8 \$20?

9 A Three times a week. I paid \$60.

10 Q Three times a week. So each
11 time you went you paid \$20 for a total of
12 \$60 per week?

13 A That's what I said, yes.

14 Q Was that a co-pay?

15 A That was the co-pay.

16 MS. PANICO: I'm going to call
17 for a HIPAA authorization for the
18 physical therapist.

19 THE WITNESS: I thought you had
20 one.

21 MS. PANICO: I've been
22 requesting for a while, but it's never
23 been given to me.

24 THE WITNESS: I signed it.

25 MS. KAYANI: I'll take that

1 E. Skates

2 under advisement.

3 Q Were you ever required to wear a
4 cast on your hand?

5 A Yes.

6 Q For how long?

7 A Well, which time?

8 Q I'm referring to the injury on
9 October 21, 2013.

10 A Okay, but which time. Cast
11 which time?

12 Q I don't know what you mean by
13 "which time"?

14 A Well, what do you mean by
15 "cast"? What do you want -- what do you
16 want me to say? Because I'm not supposed
17 to ask you any questions and I'm only
18 supposed to answer the questions.

19 Q If you don't understand, I could
20 just rephrase it.

21 A Okay. Fine.

22 Q After you injured your hand on
23 October 21, 2013, you went to the
24 hospital, did they put a cast on you then?

25 A Yes.

1 E. Skates

2 Q How long did you wear that cast
3 for?

4 A Until the hand specialist gave
5 me another cast -- I'm sorry, until Hand
6 In Hand took that off and made one to fit
7 my hand and my wrist.

8 Q I just want to clarify. I might
9 be saying it wrong. Was it a cast that
10 the hospital put on you or was it a brace?

11 A It was a cast.

12 Q And you wore that --

13 A A soft cast.

14 Q A soft cast.

15 And you wore that until Hand In
16 Hand, the physical therapist, developed
17 one specifically for you?

18 A Yes.

19 Q Do you know how long it took
20 Hand In Hand to do that?

21 A No.

22 Q Did you wear the cast that was
23 given to you by the hospital for more than
24 six months?

25 A No.

1 E. Skates

2 Q Did you wear it for more than
3 one month?

4 A No.

5 Q So within one month of being
6 released from the hospital you did obtain
7 a new cast, we'll call it that, from Hand
8 In Hand; right?

9 A Yes.

10 Q And that was specifically for
11 you?

12 A Yes.

13 Q How long did you wear that one
14 for?

15 A I don't know.

16 Q For more than three months?

17 A I wore it, I think, until I had
18 the surgery.

19 Q In 2015?

20 A Yes.

21 Q So you wore it for two years?

22 A Yes.

23 Q Every day?

24 A Every day.

25 Q Did you take it off for any

1 E. Skates

2 purpose?

3 A When I went to sleep.

4 Q Did your doctor tell you that
5 you were required to wear this cast at all
6 times?

7 A The doctor didn't make the cast
8 for me.

9 Q Did your physical therapist tell
10 you that you were required to wear a brace
11 at all times?

12 A Yes.

13 Q Did your physical therapist tell
14 you that it was okay to take the cast off
15 at night?

16 A Yes.

17 Q Did your physical therapist
18 advise you that there were any other
19 times, other than sleeping, when it was
20 okay to take the cast off?

21 A No.

22 Q Dr. Zuckerman, you identified
23 him as your hand specialist; correct?

24 A Yes.

25 Q Any other doctors that you saw

1 E. Skates

2 relating to your hand other than the
3 hospital?

4 A No.

5 Q How often did you see
6 Dr. Zuckerman?

7 A I don't know. I don't remember.

8 Q Did you see him more than once a
9 year?

10 A Yes.

11 Q Did you see him more than once a
12 month?

13 A I don't remember.

14 Q Do you know whether or not you
15 saw him more than 10 times in a year?

16 A It's a possibility. I don't
17 remember.

18 Q Immediately following your hand
19 injury, were there any activities that you
20 were unable to perform?

21 A Yes.

22 Q Can you list them for me?

23 A My gardening, my crocheting,
24 opening jars, lifting objects. When I
25 house clean, my hand would swell up and

1 E. Skates

2 then I can't do anything for two or three
3 days until the swelling went down. I have
4 no grip.

5 Q In regards to your ability to
6 lift objects, were you able to lift more
7 than one pound?

8 A Not really.

9 Q Did that change at any point?

10 A Not really.

11 Q To date, you can't lift more
12 than one pound?

13 A No. But my finger doesn't
14 trigger anymore.

15 Q To date, you still can't do any
16 gardening?

17 A Nope.

18 Q You still can't do any
19 crocheting?

20 A No.

21 Q Do you believe that the injury
22 to your hand is a disability?

23 A Yes.

24 Q You believe you're disabled?

25 A Yes.

1 E. Skates

2 Q When did your hand injury heal?

3 A What do you mean "heal"?

4 Q Feel better.

5 A It doesn't.

6 Q It's still in pain today?

7 A Yes.

8 Q I just want to back up a bit.

9 I believe you told me that you provided
10 a doctor's note to Miss Dinielli on
11 October 22; is that right?

12 A For which hospital?

13 Q In connection with your hand
14 injury, October 22nd.

15 A Yes, yes.

16 Q Did you show up to work that
17 day?

18 A Yes, because that's the day they
19 fired me.

20 Q So you were at the hospital, you
21 left the hospital and went directly to
22 work?

23 A Yes.

24 Q And what happened at that point?

25 A I went to H.R. to file a

1 E. Skates

2 Workers' Comp. They told me I had to fill
3 out an incident report first, I did that.
4 Then I got the Workers' Compensation form,
5 I filled it out. I was told that I had to
6 take it to Victoria Dinielli to have her
7 sign it. I took it to her to have her
8 sign it. I had Matt witness it.

9 Victoria Dinielli says to me,
10 "Wait a minute. Okay, I'll sign it." She
11 signed the form. She said, "Wait a
12 minute, Conor wants to speak to you."

13 I said, "I'm in so much pain,
14 Vicky, and I haven't taken my medication
15 for the pain. I want to go home and lay
16 down."

17 "Oh, it's only going to be a few
18 minutes. Just wait."

19 The next thing I know, here
20 comes the union, here comes Conor, here
21 comes Howard Colton and his associates and
22 they fired me on the spot.

23 Q Okay.

24 A She lied and said that she
25 didn't even sign the Workers' Compensation

1 E. Skates

2 form and she did. She lied. They all
3 lie.

4 I got to go. I have to go. I
5 have to go. I have to go. I have to go.

6 MS. KAYANI: Can we go off the
7 record?

8 MS. PANICO: We can take a
9 minute?

10 THE WITNESS: No, I have to go.

11 (A break was taken from 4:51
12 p.m. until 5:17 p.m.)

13 MS. PANICO: In light of the
14 fact that Miss Skates has medical
15 issues which are inhibiting her
16 ability to stay for the remainder of
17 today's deposition, we will be
18 adjourning today's deposition and
19 resuming it on January 30, 2017 in
20 order to enable the defendant to
21 complete the full seven hours that
22 defendants are entitled to under the
23 federal rules. There's approximately
24 1 hour and 41 minutes left that
25 defendants are still entitled to

1 E. Skates

2 depose Miss Skates.

3 In addition, although it's
4 already on the record in regards
5 to Miss Dinielli's deposition,
6 the plaintiff will continue
7 Miss Dinielli's deposition on
8 January 30th as well, subject to
9 Miss Dinielli's availability which
10 will be confirmed by next Monday,
11 January 9th. By that date, January
12 9th, we will confirm whether or not
13 Miss Dinielli is available to attend
14 her deposition on January 30th and we
15 will attempt to get both depositions
16 completed on that date.

17 [Continued on the next page to
18 allow for signature line and jurat.]
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E. Skates

MS. KAYANI: Nothing further.
Just that Miss Dinielli would go first
and then Miss Skates's deposition
would go after.

MS. PANICO: That's correct.
(Time noted: 5:20 p.m.)

Earline Skates

Subscribed and sworn to
before me this _____
day of _____,
2017.

Notary Public

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13 *** Exhibits were retained by Counsel. ***

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CERTIFICATION

I, Genevieve Guilfoyle, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of January, 2017.



Genevieve Guilfoyle

* * *

ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: Skates v. Village of Freeport
DATE OF DEPOSITION: January 6, 2017
WITNESS' NAME: Earline Skates

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Earline Skates

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY
OF _____, 2017.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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